POLITICAL REFORM AND HUMAN RIGHTS

IN

UZBEKISTAN, KYRGYZSTAN AND KAZAKSTAN

Prepared by the Staff of the
Commission on Security and Cooperation in Europe

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This report is based on a Helsinki Commission staff delegation to Uzbekistan, Kyrgyzstan and Kazakstan in September-October 1997 to study political reform and human rights in those three Central Asian countries. Although the Commission has reported on Uzbekistan relatively recently -- GOVERNMENT-OPPOSITION RELATIONS IN UZBEKISTAN (March 1997) -- there had been no Commission visits to Kyrgyzstan and Kazakstan since February-March 1995. The trip offered an opportunity to catch up on developments in the most liberal countries in Central Asia and to draw comparisons with Uzbekistan.

Commission staff spoke with government officials and leaders of political parties, NGOs, human rights organizations and journalists, as well as representatives of international organizations. In Tashkent, Commission staff also attended a Bureau meeting of the OSCE Parliamentary Assembly, at which Rep. Alcee Hastings represented the U.S. Congress.

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EXECUTIVE SUMMARY

A Helsinki Commission staff delegation to Uzbekistan, Kyrgyzstan and Kazakstan to examine political reform and the human rights situation in these three Central Asian countries confirms the conventional wisdom about the respective successes and failures of democratization.

-- In Uzbekistan, the government of President Islam Karimov has stepped up cooperation with international organizations, such as the UN and the OSCE, in the field of human rights. The authorities have slightly eased their pressure on independent human rights activists, and have established a number of state institutions ostensibly intended to promote public awareness of human rights and to improve the state's observance of OSCE norms and commitments. President Karimov, for his part, has continued his rhetorical commitment to democratization and the long-term goal of creating a law-governed state.

Nevertheless, the reality has changed very little. There are no independent human rights monitoring groups registered in Uzbekistan, there are no registered opposition political parties, there are no independent voices in the strictly state-controlled media. Nor is any of the above likely in the foreseeable future. President Karimov evidently believes even a little liberalization would be dangerous, even though Uzbekistan has been peaceful and stable for years. The war in Afghanistan, the continued uncertainty in neighboring Tajikistan, official concerns about the alleged threat of Islamic fundamentalism, and Moscow's undiminished imperial designs are all cited as dangers to Uzbekistan's security, which, apparently, militate against loosening the state's grip on society. Having already extended his presidential tenure by referendum, there is little sign that Karimov will allow any challengers to run against him, or that the 1999 parliamentary elections might be free and fair.

-- In Kyrgyzstan, Askar Akaev's reputation as the most liberal, reform-minded Central Asian president lost its luster in 1994-1995, when the authorities closed various newspapers, and leveled slander charges against journalists. In 1996, Akaev organized a controversial referendum to increase his

powers, which gave him considerably greater prerogatives vis-a-vis parliament. Akaev's problems with journalists have not abated, with local and international human rights groups criticizing the continued treatment of slander cases as criminal, as opposed to civil, issues, and the imprisonment of journalists.

Still, Kyrgyzstan, unlike Uzbekistan and Kazakstan, has not held a referendum to extend the president's tenure in office, and there will be opposition in parliament and among the public to Akaev's running again or trying to hold such a referendum. Having recouped some of its strength and confidence, Parliament is challenging Akaev on various thorny issues, and the separation of powers is more highly developed in Kyrgyzstan than anywhere else in Central Asia. With respect to freedom of the press, President Akaev and government officials claim to support the decriminalization of slander, but have moved very slowly to overcome the parliamentary opposition they cite as the greatest obstacle.

-- Kazakstan's President Nursultan Nazarbaev has accumulated vast power, having arranged the dissolution of two parliaments before managing the election of a compliant legislature. He ran without opposition in 1991, extended his tenure in 1995 via a referendum, and seems determined to remain in power indefinitely. Though an opposition leader has already proclaimed his candidacy in the 2000 elections (assuming they take place), a more serious threat is former Prime Minister Kazhegeldin. Much of the country's domestic politics for the next two years may revolve around this challenge.

Opposition parties function and openly criticize government policy, and the print media in Kazakstan can discuss most issues, though they must be careful not to offend the president, and some topics remain taboo. In that context, the October 1997 publication in the largest-circulation newspaper of an opposition open letter to Nazarbaev, accusing him of personal authoritarianism and of planning to assure his formal succession by his daughter, is noteworthy. From a strict human rights perspective, Kazakstan under Nursultan Nazarbaev seems to have made progress towards democratization. But while societal institutions may be free to say almost anything they want, they can do little to change or even influence their government, and their outlets for voicing discontent are shrinking. If Nazarbaev feels threatened by a possible Kazhegeldin candidacy, or if economic-based protests intensify, he may tighten the screws further.

-- More than any other OSCE country, the United States has urged progress in democratization. Yet Central Asian leaders appear to believe that U.S. strategic and economic interests in the region and fear of Islamic fundamentalism will work against pressing these staunchly secular capitals too hard on human rights. The United States will have to find creative ways of balancing pressure for democratization with the pursuit of strategic and economic goals.

INTRODUCTION

The general trend of political development throughout Central Asia has been the emergence of presidents far more powerful than the legislative and judicial branches of government. Central Asian constitutions generally sanction this imbalance, by according the head of state extremely broad prerogatives. But the actual practice of presidential rule has transcended constitutional provisions, which, after all, also enshrine separation of powers. While strong presidential authority is not uncommon in former Soviet republics, including Russia, only in Central Asia -- Turkmenistan,

Uzbekistan and Kazakstan -- have presidents canceled scheduled elections and extended their tenure by referendum into the next millennium. The most common justification for the rise of "super-executives" has been the need for a single guiding hand to consolidate independence, ram through reforms and maintain stability during a difficult transition period. More cynical interpretations point to still strong (or renascent) "eastern" and/or Russian-communist traditions of exercising authority.[1]

Within this general framework, there are greater and lesser degrees of authoritarian presidential rule. The most extreme case is Turkmenistan, where Saparmurat Niyazov has renamed himself, a la Ataturk, Turkmenbashy. As the "Leader of Turkmen," he has sponsored a full-scale cult of personality while overseeing the most repressive regime in all the former Soviet republics. Niyazov has no apparent rivals or successors, and has never permitted any opposition of any kind. At the other end of the spectrum is Imomaly Rakhmonov of Tajikistan, where hopes in 1991-1992 for a government-opposition accord and a society ruled by law evaporated when a civil war erupted. Rakhmonov has maintained himself in office only with Russian assistance; a military stalemate has now forced him to come to terms with some Islamic and democratic opposition groups and agree to a coalition government.[2]

Between these two extremes are Uzbekistan, Kyrgyzstan and Kazakstan, and their respective presidents: Islam Karimov, Askar Akaev and Nursultan Nazarbaev. Karimov, after initially tolerating some political opposition, changed course in mid-1992 and banned all dissidence. Neither Akaev nor Nazarbaev has chosen that route, and possibly, neither could carry it out it if he wanted to. Both permit opposition party activity, but effectively curtail its influence. Nazarbaev has much more thoroughly overpowered his opposition than Akaev, largely relegating it to a position of sideline criticism.

For the most part, Central Asian publics have accepted the prevalence of strongman rule, though not without grumbling -- when possible -- on the peripheries, i.e., by the intelligentsia, journalists and opposition-oriented activists. This resignation is not surprising, considering the regimes' control of state security bodies, law enforcement and prosecutorial agencies, the lack of democratic traditions in the region, and the natural predilection to concentrate on surviving during circumstances of severe economic decline.[3] Moreover, the generalized disruption that accompanied the breakup of the USSR, and the fear of experiencing the bloody instability that wracked Tajikistan (or Azerbaijan or Georgia) have fostered a sense of gratitude to leaders who can preserve the peace, as well as a certain political quiescence. Compounding the diminished public interest in politics has been a series of elections deemed unfair by the international community, which have intensified popular disillusionment with "democracy," and a belief that those in power will manage to keep their positions by any means necessary. Finally, the ubiquity of corruption bolsters the general conviction that today's presidents will not let themselves be voted out of office when much state property remains to be privatized.[4] Consequently, there has thus far been relatively little societal protest against the development of executive privilege, which, in turn, has facilitated the consolidation of presidential power, and made the work of pro-democratization activists far more difficult.

The growing Western, and particularly American, involvement in Central Asia affects this pattern in conflicting ways. More than any other OSCE country, the United States has urged genuine, if measured, progress in democratization. Yet Central Asian leaders appear to have concluded that U.S. strategic and economic interests in the region and fear of Islamic fundamentalism militate against pressing these staunchly secular capitals too hard on human rights. Thus, U.S. disapproval of referenda extending presidential tenure or elections ruled unfair by international observers has not kept American

businessmen from seeking to exploit Central Asia's natural resources, or restrained Washington from encouraging them. Nor has the U.S. Government cut back support for programs like Partnership for Peace, foreign aid, or otherwise significantly slowed the development of bilateral relations. In sum, the region's presidents want to be considered democratic reformers, and get good grades in the State Department's annual human rights reports -- but not so much that they are prepared to endanger their grip on power by creating a level playing
field for possible challengers. The United States will have to find creative ways of balancing pressure for democratization with the pursuit of strategic and economic interests.

Space considerations preclude an examination of all aspects of the human rights situation in Uzbekistan, Kyrgyzstan and Kazakstan. This report focuses on the following topics: presidential power and its relations with other institutions, namely, parliament, NGOs, especially human rights monitoring groups, and the media; nationality issues; and where information was available, religious tolerance. Judicial systems, which ordinarily would merit discussion as a possible counterbalance to executive authority, have been the least developed branch of power, and are in no position to play any such role. Throughout the region, political activists and ordinary people alike see courts as corrupt and dependent on executive authorities.

UZBEKISTAN

President Islam Karimov has been in power since 1989, after his predecessors fell victim to Mikhail Gorbachev's campaigns of glasnost and perestroika. At first, Karimov worked with leaders of Uzbekistan's nationalist-democratic opposition, favoring their demands for a national renaissance and a redefinition of Uzbekistan's relations with Moscow. Nevertheless, he always restricted the opposition's political activity. By mid-1992, as the situation in neighboring Tajikistan deteriorated into civil war, Karimov dropped all pretense of toleration, and through violence, arrests and intimidation, forced the opposition into exile or underground.

Although Uzbek officials describe the December 1994 parliamentary election as a democratic, multi-party, multi-candidate contest, in fact, only candidates and two parties that supported the President could participate. Since then, two other government-created parties have entered parliament through unchallenged by-elections.[5] The parliament has little freedom of initiative and approves executive-branch legislation and decisions. At its first session, the new legislature voted to hold a referendum in March 1995 on extending Karimov's tenure as president until the year 2000. According to official figures, 99.6 percent of the electorate voted, and 99.4 percent of them voted Yes. Parliament subsequently voted to consider the extension part of Karimov's first term, so that he can run again when his term lapses.

In the run up to the September 1996 OSCE/ODIHR Seminar on National Human Rights Institutions in Tashkent, President Karimov launched a series of initiatives to change Uzbekistan's image as one of the most repressive former Soviet republics. Apart from several amnesties, he allowed Radio Free Europe/Radio Liberty (RFE/RL), the Soros Foundation and Human Rights Watch/Helsinki to open offices in Tashkent. These steps, along with growing U.S. recognition of Uzbekistan's strategic significance, helped Karimov win his long-sought meeting with President Clinton in June 1996. Karimov also permitted exiled opposition activist, Abdumannob Polatov, Chairman of the unregistered Human Rights Society of Uzbekistan (HRSU) to return to Tashkent from the United States.[6] Polatov's return seemed to signal an official willingness to open lines of communication with the moderate but

genuine opposition and to register the HRSU, which would be the only independent human rights monitoring group in Uzbekistan. At the OSCE/ODIHR Seminar in September, Polatov and other opposition representatives participated and spoke openly about the need for major reforms in human rights. Despite their stated willingness to continue a dialogue with the government, their candor apparently displeased President Karimov, and the government's attitude hardened abruptly after the Seminar ended. In January 1997, after a series of newspaper articles blasting the opposition, the authorities again denied the Society's application for registration, pointing to various inconsistencies in the documentation. Many observers saw the rejection as a sign that the government had deliberately halted the liberalization process after building up hopes for its gradual development.[7]

In discussions with Helsinki Commission staff in September 1997, Uzbek Government officials rejected the view that the failure to register the HRSU meant backtracking on human rights. For example, Sayera Rashidova, Uzbekistan's Human Rights Ombudsman, reported that about 300 laws have been passed, directly or indirectly relating to human rights. In addition, more than 200 NGOs have been registered.

Rashidova's office is one of the official institutions Uzbekistan has created to address human rights concerns. Apart from seeing petitioners (most of whom complain about judgements of law enforcement agencies or courts), Rashidova oversees monitoring of the government's implementation of human rights laws. Another recently created institution is the National Human Rights Center. The director, Akmal Saidov, explained that the center, established in October 1996, coordinates the human rights activity of all government agencies. Other responsibilities include the issuing of reports on Uzbekistan's implementation of international human rights conventions, and educational work, i.e., the preparation and dissemination of information and texts on human rights in schools and universities. Saidov pointed to laws on journalists, access to information, the ombudsman's position, the civil code, the criminal code, and a new draft law on the mass media, as evidence of unflagging commitment to democratization. In short, the official Uzbek position is that the legal ground has been well prepared for a rule-of-law society, which is slowly but surely developing.

Despite these assurances, the fact remains that no opposition is permitted and there are still no registered independent human rights organizations in Uzbekistan. Both Rashidova and Saidov reported that the HRSU had not appealed to their organizations for help in gaining registration. When asked why not, HRSU spokesmen dismissed the idea that these state agencies could or would help them, adding that their registration was a very high-level decision. An HRSU leader added that he had appealed to Rashidova several times for the text of international human rights documents, even offering to pay the copying costs, but had never received any reply. Meanwhile, government officials insist that the HRSU bring the registration forms into complete conformity with legal requirements, even though another allegedly independent but pro-Karimov human rights organization, the Committee for the Protection of Rights of the Individual, was registered within four days in June 1996, despite not having fully complied with law. Opposition activists assume if the government were ready to register the HRSU, it would be registered.[8]

The continuing impasse in government-opposition relations has forced a reconsideration of tactics among some opposition circles, which has generated new conflicts within Uzbekistan's human rights movement. When Polatov returned to Tashkent in August 1996, he had a falling out with his deputy, Mikhail Ardzinov, over the need for dialogue with a government that had not engaged in serious

reform: Ardzinov argued against, Polatov argued for, and also criticized Ardzinov's condemnation of those who disagreed with him. At the September 1996 Kurultay (congress) of the HRSU, Ardzinov's point of view failed to gain support, and he was voted out of his position as deputy chairman. Afterwards, though offered a spot as secretary of the HRSU board, he declined and left to form his own human rights monitoring group -- the Independent Human Rights Organization of Uzbekistan, which submitted a registration application in August 1997. In December 1997, the Ministry of Justice refused to register Ardzinov's organization, claiming technical problems with the documentation.

The upshot is that Uzbekistan's already riven human rights movement remains unregistered and is even more deeply splintered. Leading activists inside and outside the country accuse each other of selling out to Karimov's government or taking an unrealistically uncompromising position vis-a-vis the regime. As usual, these positions reflect not only policy differences but personality conflicts. This internecine warfare dates from the perestroika period, when Erk, led by Mohammad Solih, split away from the movement Birlik, chaired by Abdumannob Polatov's brother, Abdurrahim. Both men subsequently tried to run in the December 1991 presidential election, but only Solih was allowed to compete. The rivalry between the two has endured and intensified since then, even though both have been forced into exile by President Karimov. In fact, in an unfortunate parallelism, Abdurrahim Polatov's current charges that Solih allegedly made a deal with Karimov in order to keep his apartment are now echoed by Ardzinov -- Solih's ally -- against Abdumannob Polatov. Bogged down in mutual recriminations, the leaders of Erk and Birlik cannot jointly promote democratic reforms in Uzbekistan or pressure the authorities. The political impotence of Uzbekistan's opposition should therefore be sought not only in the regime's repressive policies but in the opposition's inability to rise above personal ambitions and convictions of exclusive rectitude.

The clash among the leaders is reflected in the new membership structures of the human rights groups. After the September 1996 split, members of Erk joined Ardzinov in leaving the HRSU, which is now composed of Birlik members. Ardzinov claimed his Independent Human Rights Organization of Uzbekistan has 111 members (75 percent of whom are Uzbek, the rest various other nationalities). In effect, therefore, what might have been a unified human rights monitoring organization has divided into two warring groups reflecting rival political parties and their leaders' old scores. HRSU spokesmen say Ardzinov attacks the Society at every opportunity, including during a meeting with members of the European Parliament, as does Marat Zahidov, Chairman of the (pro-Karimov) Committee for the Protection of Rights of the Individual.

These human rights activists also differ somewhat in their assessment of the current situation in Uzbekistan. Mikhail Ardzinov told Helsinki Commission staff there had been no positive changes in the past year. Not only had no independent human rights NGOs been registered, but a brief experiment with looser censorship proved too much for Uzbekistan's authorities, who soon reverted to form (see below).

Talib Yaqubov, the General Secretary of the HRSU, did not differ substantially with Ardzinov's views, but nevertheless pointed to some positive steps by the authorities. Police surveillance of Yaqubov, for example, has apparently ceased [or improved to the point of invisibility], and he is no longer prevented from meeting with representatives of international organizations or journalists. Indeed, Yaqubov said he occasionally received official invitations to certain functions, such as the weekly course arranged by the Ministry of Foreign Affairs and OSCE's Tashkent-based Central Asian Liaison Office on human rights documents. Yaqubov was also invited to speak at the opening of the

National Human Rights Center.

Moreover, the opposition, though barred from state-run media, and mentioned only when attacked, has a channel of access to the people of Uzbekistan: Radio Liberty. Yaqubov, for example, spoke on RL in May 1997, criticizing the official media. Though strongly denounced by an newspaper for the views he expressed, his subsequent criticism on RL of law enforcement practices drew no official response.

In Namangan (Fergana Valley), HRSU and Birlik activist Nosir Zakir also reported a slight easing of pressure.[9] Whereas the authorities formerly prevented even small groups of opposition activists from gathering, now there are no such problems. Zakir said the authorities had ceased harassing him, and like Yaqubov, he does commentary for Radio Liberty: for the last several months, he has been working as a journalist for RL for 10 minutes per week.

The significance of these developments should not be exaggerated. Zakir clarified that the local authorities will not allow small meetings of activists to turn into a political movement. And Yaqubov reported that when he returned from Istanbul in May 1997 with Birlik literature, Uzbek security met him at the airport in Tashkent and confiscated everything. Moreover, even after several amnesties, there are still political prisoners in Uzbekistan. The *Turkistan Newsletter* (August 1997), affiliated with Erk, reports over 40 people in jail for their political activity. The HRSU counts 25 possible POCs; Human Rights Watch/Helsinki in July 1997 compiled a list of 27 probable prisoners of conscience and three probable state-sponsored disappearances.

A high-ranking government official repeated to Helsinki Commission staff the official line on the rejection of the Human Rights Society's registration application, namely, that the application did not fulfil all the requirements of Uzbek law on associations. He added that after two rejections, the law stipulated a time limit on any new applications. However, the same official told Abdumannob Polatov in summer 1997 that the Society would in any case not be registered for at least a year. With respect to Mikhail Ardzinov, the official brought up old accusations that the human rights activist is "psychologically not normal," and distinguished him from the Polatov brothers, Mohammad Solih and Marat Zahidov, who, he said, were genuinely working for human rights in Uzbekistan.

Apart from the government's refusal to register an independent human rights monitoring group, the sorry state of Uzbekistan's media illustrates the absence of any liberalization. Article 67 of Uzbekistan's constitution bans censorship, as does the April 1997 law on journalists, but the strictest censorship continues in effect. Even President Karimov has criticized the media's performance; his human rights rhetoric has featured calls for more relevant, effective, open media, and he himself has actually professed befuddlement at the lack of change. For instance, when asked in late 1996 why the Ministry of Communications had prohibited independent television studios in Samarkand from using a channel to broadcast programs of Russia's TV-6 television, Karimov promised to launch an investigation, adding that: "I would like with pleasure today to watch Russia's NTV. I hear a great deal about it and see it when I am in Moscow. But why are we not seeing it here? I cannot even understand..."[10]

In fact, Karimov's government allows no independent -- let alone opposition -- views whatsoever to appear in the media. Journalists who try to deviate from established norms of reporting have been expelled from the country, fired or threatened with dismissal, and occasionally beaten or

threatened with violence. While Uzbek officials point to *Hurriyat* [Freedom], as evidence of media openness, the fate of that weekly, established in January 1997, testifies to the opposite. The newspaper apparently enjoyed Karimov's support, which allowed it, uniquely, to escape censorship initially. But when *Hurriyat* published an attack on censorship, editor Karim Bahriev received several warnings from officials and eventually resigned when it became clear that the publication would have to be subject to censorship. A Human Rights Watch/Helsinki study of the media concluded that "The Uzbek government's public calls for greater press freedom lie in stark contrast to its complete failure to give force to laws that guarantee freedom of expression, as well as to the impunity granted to those who beat and harass journalists."[11] This assessment was echoed in November 1997 by Paris-based Reporters Sans Frontieres, using as criteria the number of journalists killed, imprisoned, harassed or expelled, the existence of censorship, the absence of independent media, problems facing the foreign press and state monopolies on broadcasting. "Turkmenistan and Uzbekistan are still states where the rule of law is unknown, notwithstanding declarations to the contrary by their leaders, especially Uzbek head of state Islam Karimov. These two countries remain the most isolated countries of the former Soviet Union and press freedom is no more than a mirage."

Nationality Issues

Uzbekistan has become somewhat more ethnically homogeneous since independence. Whereas the 1989 Soviet census counted non-Uzbeks as 29 percent of the population, today, according to President Karimov, the over one hundred other nationalities in the country "exceed 20 percent."[12] Constitutional provisions safeguard the rights of national minorities, forbid ethnic discrimination and protect citizens' rights to use their native language. The central press is published in Uzbek, Tajik, Kazak, Turkmen, Russian, English, Arabic, and Korean, the regional press in Uzbek and Russian. Some programs of Russian, Turkish and Indian television are available, and radio programs are broadcast in the languages of regional ethnic minorities.[13]

Nevertheless, many Russians, concerned about becoming second class citizens in an increasingly Uzbek Uzbekistan, have left, as have other Russian speakers. According to Uzbek sources, about 400,000 people left Uzbekistan between 1989 and 1994. After 1995, emigration sharply declined, and about 30,000 emigres returned to Uzbekistan, but the number of Russians in the country today is 23 percent lower than in 1989.[14] One account by a Russian emigre acknowledged that "Russians are not being especially forced out," but cited the following reasons for leaving: fear of possible disorders, caused by widespread poverty, worsening class divisions, and the destabilizing impact of the situation in Tajikistan; the declining status of the Russian language, and official requirements to use Uzbek on the job; the sense of isolation from Russia and Russian culture, as Russian newspapers and electronic media become ever scarcer; and the sense that their children will have even worse prospects.[15] Hoping not to lose the technically skilled Russians, Karimov has sought to assure them, with mixed success, by allowing the use of languages other than Uzbek in education and toponyms in areas where a majority of people use another language. The planned transfer to the Latin alphabet for Uzbek in 2005, however, will surely heighten Russians' concerns.

An even more problematic nationality issue in Uzbekistan, however, may be the complaints of Tajiks that their culture and identity are suppressed. Many Tajiks believe Uzbekistan received Tajik lands when the Soviet government cut up Central Asia into distinct states in the 1930s; in particular, they claim that Samarkand and Bukhara are ancient Tajik centers, not Uzbek. The danger of irredentism and border conflicts has stifled any controversies, especially since Uzbekistan is so much larger and

Tajikistan has been embroiled in a civil war since 1992.

It is difficult to get reliable information about relations between Uzbeks and Tajiks and the level of Tajik grievances. Samarkand, an organization dedicated to Tajik cultural issues, has been banned. Moreover, while there are Tajik-language newspapers and schools, especially in Samarkand and Bukhara, they are bound by the same strict censorship and list of taboo subjects as the rest of Uzbekistan's media. Nevertheless, one Tajik-language publication complained about the imposition of Uzbek as the language of instruction in Tajik schools, the replacement of courses on modern Tajik literature by Uzbek literature in a school district, and "the most painful" problem: "whether our pupils have the right to...higher education in their mother tongue [Tajik] at the republic's universities.[16]

There are about 100 national-cultural centers, of which the Russian, Korean, Ukrainian, Tatar and Georgian centers are particularly "authoritative."[17] The government, however, does not want these centers to become the only or main representatives of national minorities and has decided not to create a ministry or state committee for national minorities, for fear of institutionalizing differences among the country's multi-ethnic citizenry.[18]

In general, while non-Uzbeks, especially Russians, may feel they have little future in Uzbekistan, that is not necessarily a human rights problem. The attainment of Uzbekistan's independence and the natural process of national renaissance might make any non-Uzbek consider whether to stay or leave, depending on the attractiveness of the available options. In the generally repressive atmosphere of today's Uzbekistan, everyone's political rights are restricted, and Uzbeks have no more access to independent information than do non-Uzbeks; all are equally deprived of news sources, in Uzbek or Russian, or Russia-based media, that the authorities deem harmful. Russian newspapers, such as *Izvestiya* or *Komsomol'skaya Pravda*, have not been sold in Uzbekistan since 1992, and the censors cut items from Russian television which portray Uzbekistan in a negative light.[19] In any case, continuing discontent is much more likely to cause emigration than inter-ethnic clashes in Uzbekistan, although leaving, too, is increasingly unappealing, considering the economic difficulties in Russia and the less than warm welcome many emigrants have received.

Religious Tolerance

The Central Asian countries profess to be secular states and have passed laws protecting freedom of conscience. As President Karimov has written, "we...do not want to tolerate the sad experience of the Soviet era, or the new extreme manifestations we witnessed during the first years of our independence."[20] In fact, the established faiths, i.e., Islam, Russian Orthodoxy and Judaism, have been regenerated in the post-communist era and today enjoy considerable latitude in Uzbekistan.[21]

However, with Central Asia's largest population and deepest Islamic traditions, Uzbekistan is generally seen as the most receptive breeding ground of fundamentalism. Karimov has often warned of the dangers of this strain of Islam, which threatens to "undermine confidence in [the] state reformer, destroy stability, civil and ethnic harmony, discredit democracy, [the] secular state, [the] multi-national and multi-confessional society." Furthermore, he writes, fundamentalist Islam seeks to "creat[e] a repulsive image of Uzbekistan among both Muslim and non-Muslim states and their public opinion, to which they want to present us as either anti-religious atheists or as hidden supporters of the state Islamization."[22]

Whether Islamic fundamentalism -- which President Karimov and Uzbek authorities generally call "Wahhabism," a conservative strain of Islam associated with Saudi Arabia, but which also serves as a catch-all pejorative -- actually represents a threat to Uzbekistan's stability, or whether Karimov actually thinks so, is difficult to gauge. Some observers believe Karimov deliberately exaggerates the dangers, knowing American sensitivities about Islamic fundamentalism. On the other hand, in November 1991, after Karimov left Namangan (Fergana Valley) without meeting Islamic groups, they led thousands of people in taking over the former regional Communist Party headquarters and called for Islamic rule in Uzbekistan. Karimov, who had returned to Tashkent, had to go back to Namangan and agree to convert the headquarters building into an Islamic center, even though he subsequently did not make good on this promise and managed to suppress the movement without bloodshed.[23]

What is certain is that Tashkent sees Islamic preachers outside the state's religious structures -- the government-controlled board in charge of Islam, the Spiritual Directorate (Muftiat) -- as dangerous, and has consistently cracked down on them, especially in the Fergana Valley. Arrests of members of groups like Adolat [Justice], Odamiylik va Insonparvarlik [Humanity and Human Values] in Kokand, and the Islamic Renaissance Party were followed by the arrest of prominent preachers (imams) seen as independent of the Muftiat. The authorities charged these preachers and their leading followers with various crimes, including possession of drugs and weapons. Uzbek and international human rights groups report that the authorities have refused to release such prisoners, even when their prison terms are up, and employ various pretexts to exclude them from amnesties. One example is Abdurauf Gafurov, the kazi (Muslim judge) of Fergana valley, who was convicted in May 1994 of embezzlement and sentenced to three years in prison. In August 1994, he was charged with possession of drugs in prison, and received a concurrent two-year sentence. One week before his sentence was due to end, in November 1996, authorities accused him of disobeying the prison administration and sentenced him to another two years.[24]

In Andijan (Fergana Valley), Helsinki Commission staff spoke with the son of Qari Abduvali Mirzoev. His father was imam at the non-government-controlled Jomi" mosque, with a wide following in the Fergana Valley. On August 29, 1995, Qari Mirzoev and his assistant, Ramazanbek Matkarimov, disappeared while checking in for a flight from Tashkent to Moscow. According to the younger Mirzoev, the authorities abducted the two men because his father "did not praise the government and did not mix religion and politics," while attracting crowds of 25,000 during Friday services. Officials claim to know nothing about their whereabouts and maintain, in response to inquiries, that the investigation is continuing.

Mirzoev related further that tens of religious activists have been arrested -- more than political activists -- and unlike the latter, leading religious activists remain in prison, though less authoritative individuals have been released, after torture. He added that the press conducts a constant campaign against unofficial Islam, which, he said, is "an obstacle to [state] propaganda." Authorities have closed all unofficial mosques, according to Mirzoev, 10 in Andijan alone.

Apart from these two vanished Islamic leaders, Abdulla Utaev, the head of the banned Islamic Renaissance Party of Uzbekistan, disappeared on December 15, 1992, in Tashkent. Repeated appeals to presidential aides by family members have produced no information about his fate or whereabouts.[25]

In December 1997, Uzbek authorities charged that "a gang of Wahhabis" killed four policemen

in Namangan in an armed struggle. Muslim leaders claimed ordinary criminals were responsible, but the authorities imposed a curfew in Namangan and Andijan, removed mosque loudspeakers, and detained hundreds of men with beards. Police in Tashkent broke up a demonstration by veiled women protesting the crackdown.[26] Uzbekistan's Deputy Minister of Internal Affairs accused "Wahhabi" groups of seeking to "break the peace of the people, to attack, rob and kill some people in authority and ordinary people...and to seize power and build an Islamic state in Uzbekistan."[27] Most of the detainees were reportedly released at the end of January 1998, but it is clear that the stakes have risen in the state's confrontation with supposed Islamic fundamentalism. Moreover, charges by Uzbek officials that terrorists aiming at the establishment of an Islamic state in Uzbekistan have received training in foreign countries lends an international dimension to the problem.[28]

Islam is not the only religion whose adherents are under pressure in Uzbekistan. According to Karimov, "there are 15 confession[al] communities, some... non-traditional for Uzbekistan." The state's attitude towards them is based on: respect for the religious feelings of believers, a recognition that religious convictions are private, a need for dialogue with different religious associations to utilize their possibilities for spiritual revival, and promotion of universal moral values.[29] Nevertheless, Protestant believers have encountered obstacles in practicing and preaching their faith.

The appearance of unfamiliar, "non-traditional" (for the region) religions has generated controversy throughout the former Soviet Union and beyond, as established religions reacted antagonistically to the challenge posed by groups perceived as insulting interlopers at best and dangerous sects at worst. Russia's restrictive new legislation on religion, for example, has led the U.S. Congress to vote to cut off aid to the Russian government if it implements the law. Often in alliance with the government and favored religions, the dominant local faith has urged restrictions on these religious newcomers and warned of the dangers of proselytizing by outsiders; various former Soviet republics have passed laws forbidding missionary activity.

Proselytizing is, indeed, banned in Uzbekistan. Though some Protestant groups have been registered, the authorities have begun a re-registration campaign, imposing ever tighter conditions to gain legal status. In January 1997, customs agents seized a shipment of 25,000 New Testaments in the Uzbek language. The authorities warned the Bible Society of Uzbekistan in April and May that it would be closed down if it did not stop distributing Christian Scriptures in the Uzbek language.

Helsinki Commission staff spoke with a representative of Word of Faith, a Protestant church that was registered from November 1992 until June 1994. The Ministry of Justice, which claimed to have received many complaints, closed the church, citing missionary activity, renting halls without permission, and bringing in foreign preachers. The Ministry, in general, according to the church spokesman, complicates the registration of churches in every possible way. Mission of Mercy, for instance, remains unregistered after 5 years. And even registered churches -- which include, inter alia, the Union of Baptists, Pentecostals, Seventh Day Adventists, Presbyterians and several Korean churches -- are told to re-register, under new, restrictive charters. In mid-September 1997, Word of Truth applied for registration in Gulistan, and was immediately subject to threats and searches. Helsinki Commission staff also spoke with a representative of Mission of Mercy, but in Almaty, Kazakstan, who said she had fled Uzbekistan after an official in Tashkent threatened lethal violence if she continued her missionary work.

Erkin Khalilov, Speaker of Uzbekistan's parliament, wrote in fall 1997 to U.S. Rep. Bob

Clement (D-TN), who had inquired about reports of persecution of Protestant churches, that missionary activity is illegal in Uzbekistan. Khalilov accused Word of Faith of "undertaking work leading to the provocation of inter-religious and inter-ethnic conflicts." He acknowledged that Denis Podorozhny of the church had been arrested twice, for "organizing unsanctioned meetings and for violating the rules concerning religious teaching." Khalilov denied, however, that Podorozhny's prison conditions had been unusually harsh, and said neither he nor his family was "at present" subjected to persecution [or possibly prosecution].

Also mentioned in the letter was Olga Avetisova, of Mission of Mercy and God Willing, whose illegal missionary activity had sparked "complaints from local residents and self-government organs." Consequently, according to Khalilov, she and her sister received warnings in June and September 1996. In any case, none of the above-mentioned individuals or groups had complained in 1997 of discrimination to Uzbekistan's Ombudsman, asserted Khalilov.[30]

Recently, government pressure has eased a bit. In September, Uzbek authorities released to the Uzbekistan Bible Society the shipment of 25,000 Uzbek Bibles impounded in January, perhaps as a result of international protests. Nor was the handover linked to any conditions; at one point, the government suggested that the Bibles be donated to the reference sections of 30,000 public libraries, rather than handed out among the population. Ultimately, the authorities reached agreement with the Uzbekistan Bible Society that the Bibles would not be sold in local bookstores, but distributed instead through the Society and various Christian churches.

Whether the release of the Bibles betokens a fundamental shift remains to be seen. Uzbek law forbids missionary activity, but it appears that what is really unacceptable to the authorities is Christian missionary work among Uzbek Muslims. Indeed, some democratic opposition activists confirm government claims that Uzbek converts to Christianity might have serious problems with their neighbors in traditional communities and local officials might not be able to protect them. Church representatives said they had received assurances that there would be no trouble if they work among other Christians. Should Christian groups attempt to spread their faith among Muslims, however, Uzbek authorities have demonstrated they are prepared to take legal action.

Conclusion

An investigation of the human rights situation in Uzbekistan indicates that the government of President Islam Karimov has slightly eased its pressure on independent human rights activists, and has established a number of state institutions whose ostensible function is to promote public awareness of human rights and to improve the state's observation of OSCE commitments. President Karimov, for his part, has continued his rhetorical campaign for human rights. Nevertheless, the reality has hardly changed. There are no independent human rights monitoring groups registered in Uzbekistan, there are no opposition political parties, there are no independent voices in the strictly state-controlled media.

Opposition, Karimov has written, is "a normal manifestation for any democratic society." But "it should have...an adequate legal status, respect [for] the constitutional and legislative norms, be constructive and responsible in its actions for [the] stable and sustainable situation of the state and social regime in the country, [and] have alternative projects of state design. It would hardly be possible to call as constructive the opposition of ambitious people who consider themselves offended and hurt, who

were not given the cherished positions in government, but in pursuing clan and local interests they became opposite [opposed] to everybody and everything that happens in the country. Instead of being a constructive and civilized counterbalance to the government in the decision processes...there are attempts [at] illegal confrontation against not only official authorities, but also against existing laws and the constitution of the state....Nevertheless, I believe that the formation of a democratic opposition is a question of time."[31]

It would appear that Karimov does not intend to allow anyone involved in the opposition movements of late 1980s and early 1990s to engage in politics in Uzbekistan -- unless such individuals are willing to support publicly his rule and policies. In fact, in November 1997, various news agencies reported that Karimov told the Turkish government he did not want Mohammad Solih, who lives in Istanbul, in Turkey during Karimov's visit. For the second time, Solih had to leave Turkish territory while Uzbekistan's president was in the country. Solih, for his part, publicly announced in December that he would like to return to Uzbekistan to engage in legal political activity, if the government would legalize *Erk*, allow it to publish its point of view and free political prisoners. His chances of returning in the foreseeable future are bleak. In any event, Karimov's notion of "a question of time," even if sincere, could well stretch out into quite a while. As the civil war in Tajikistan helped spur his crackdown in 1992, the continuing uncertainty there will likely delay any liberalization: "The military and political crisis in Afghanistan and instability in Tajikistan cannot but have negative impact on both regional stability in Central Asia as a whole, and [the] national security of Uzbekistan in particular."[32]

If President Karimov's actual intentions are to democratize slowly, some of the necessary laws, institutions and trends have been set in motion to support future liberalization. But if no genuinely opposition viewpoints are allowed expression, a chance to influence policy and eventually to contend for power, then the many laws passed, the international conventions joined and the state institutions created will remain window dressing.

KYRGYZSTAN

Compared to Uzbekistan, with its 23 million people, linchpin position in Central Asia and abundant natural wealth, small, resource-poor Kyrgyzstan (population 4.5 million) faces a different set of problems that affect its human rights situation. To begin with, unlike mostly homogeneous Uzbekistan, Kyrgyz constitute only about 58 percent of the country's population. The largest minorities are Russians (18 percent) and Uzbeks (about 14 percent). Both groups have voiced deep concerns about the practical consequences of the Kyrgyz national renaissance which accompanied the country's growing sovereignty and eventual independence. Foremost among them are the legislated predominance of Kyrgyz, designated in the May 1993 constitution as the official language, and the ongoing indigenization of employment patterns.

Russians and Russian speakers have complained about discrimination, and many have emigrated. Those still in the country have organized to defend their interests, establishing, among others, *Soglasie* [Accord], the Association of Ethnic Russians, and the Slavic Fund. These groups stress equality of treatment and opportunity, regardless of nationality or clan, and want Russian to be Kyrgyzstan's second state language. *Soglasie* and several other organizations publish a newspaper called *Soglasie* in Osh.

From the beginning, President Akaev has balanced carefully between the demands of Kyrgyz

nationalists and the grievances and fears of Russians and Russian-speakers. Fearing the economic consequences of the mass emigration of Russians and others, he vetoed laws that would have reserved land and housing to the Kyrgyz people, and extended the deadline for compulsory use of the Kyrgyz language. While consistently calling for dual citizenship (which only Turkmenistan and Tajikistan have instituted), Akaev has also urged parliament to pass a law on the rights of national and ethnic minorities, which would give them a right to representation in parliament and in local organs of self-government. In June 1994, he signed a decree giving official status to the Russian language in certain areas. Russia and Kyrgyzstan have also signed a treaty which lets Kyrgyz citizens obtain Russian citizenship and residence rights quickly and easily if they leave. These gestures have reassured the Russian-speaking population, whose emigration peaked in 1993 and has since dropped substantially.[33] Kyrgyz-Uzbek antagonism, however, especially in the south, remains a cause for concern (see below).

In addition to ethnic tensions, the country is divided into north and south by high mountains, and the gulf is more than geographic. The southern part of the country, Osh and Jalalabad oblasts, which are heavily populated by Uzbeks, is more traditional, rural and Islamic. The more urbanized, Westernized northerners have traditionally ruled the country. Southerners comprise more than half the country's population, but regardless of ethnicity, they complain constantly about being shortchanged in terms of parliamentary representation, investment, subsidies, and government jobs. The appointment of northern governors to southern oblasts by the capital, Bishkek, is a source of special irritation.[34]

Despite these problems -- or, perhaps, because of them -- President Askar Akaev's approach to democratization has differed greatly from President Karimov's. Some analysts and human rights activists maintain that Kyrgyzstan's greatest asset has been its democratic image, and that Akaev has carefully cultivated it. But whatever the motives, Akaev, a physicist and the only Central Asian president who was not a Communist Party leader, has pursued a Western-oriented program of economic and political reforms. In the immediate post-independence period he promoted privatization, and presided over the proliferation of political parties and NGOs, a relatively free press, and the growth of civil society.

However, the honeymoon period for Akaev and for Kyrgyzstan as an oasis of democracy in an authoritarian desert -- apart from Uzbekistan, Kazakstan and war-torn Tajikistan, China is also a neighbor -- ended in 1994. Shaken by the economic consequences of ejection from Russia's ruble zone in December 1993, Akaev entered into a Central Asian Union with the less liberal Karimov of Uzbekistan and Nazarbaev of Kazakstan, an alliance that some observers feel has influenced Akaev's domestic policies.[35] By summer 1994, growing criticism at home provided another incentive to backtrack, when a confrontation erupted between the government, on the one side, and the parliament and press on the other. Parliamentary commissions investigating government corruption in the sale of gold mines to foreign firms, malfeasance in foreign investments, and privatization of enterprises, land and apartments, were about to issue reports when some deputies began calling for the legislature to dissolve itself. Speaker Medetkan Sherimkulov and *Svobodnye Gory* [Free Mountains], one of the parliament's newspapers, were accused of conspiring to overthrow Akaev. Akaev suggested that the courts close *Svobodnye Gory*, which was preparing to publish a parliamentary report on corruption. At around the same time, *Politika*, a supplement to another newspaper, was also closed for criticizing Akaev.

The presidential confrontation with the parliament and the media continued in 1994 and 1995. In fall 1994, Akaev and regional governors, and their allies in the parliament orchestrated the

disbandment of the legislature six months before its term was to end, in the hope of obtaining a more pliable body in elections scheduled for February 1995.[36] But Kyrgyzstan did not follow the pattern of Turkmenistan, Uzbekistan and Kazakstan. Though some members of the new parliament tried in April to organize a referendum to extend Akaev's tenure, the majority of deputies refused to cooperate, eventually forcing Akaev to become Central Asia's only president to seek reelection. In December 1995, he retained his position after a controversial campaign, in which three candidates were disqualified shortly before the vote. After his victory, Akaev managed to organize a referendum in February 1996 expanding the powers of the presidency. The referendum violated the constitution and the law on referenda, and featured widespread ballot-stuffing.[37]

In the 1995 parliamentary election, all 12 registered political parties nominated candidates to the parliament, as did social organizations, such as the Union of Industrialists and Businessmen, or the Slavic Fund. The 12 parties, which are generally small, with vague platforms, and little financial support, ran the gamut from Communist, on the left, to *Asaba*, on the right, i.e., Kyrgyz nationalist. Violations, intimidation, official pressure, vote buying and fraud were widespread during the campaign and the voting, as President Akaev himself conceded, but opposition parties and individuals could publicize their programs and contend for power.

Opposition parties -- indeed, all parties -- have limited clout in parliament, because there are no party factions and the party system in general remains weakly developed. But opposition deputies will happily meet with foreigners and strongly criticize President Akaev and his policies (which is unthinkable in Uzbekistan). For instance, several deputies told Helsinki Commission staff that there is no real independent television in Kyrgyzstan, only a few newspapers can voice criticism, and the authorities control the courts through "telephone justice." They also heatedly dismissed suggestions that Akaev genuinely wants to decriminalize slander (see below).

The parliament, moreover, has refused to cooperate with Akaev on various important initiatives. For instance, quite apart from the usual, normal differences between executive and legislative branches over the budget, the legislators have rejected his call to make Russian the second state language and to introduce dual citizenship. Nor have they passed a law on national minorities. Whether such laws would be good for the country is not at issue; more relevant is that separation of powers is neither farcical, entirely for show, nor ignored in Kyrgyzstan. Indeed, parliament has overridden three or four of Akaev's vetoes. Akaev certainly has the upper hand, both because of constitutional prerogatives and because he has support among the deputies, but he cannot simply assume the parliament will do his bidding, as can Karimov.[38]

Kyrgyzstan has not created an ombudsman position but an official human rights institute was established in summer 1997. So far, its only appointed member is State SecretaryAbdurazakov, Chairman of the Presidential Commission on Human Rights. But various independent human rights NGOs are also registered.[39] Among them are the Bureau on Human Rights and Rule of Law, in Bishkek, and the Human Rights Protection Committee, which gather information and publish reports on human rights. In Osh, a Russian, Jalalabad-based human rights activist conceded that Kyrgyzstan's legal base for human rights was not bad, but argued that, de facto, lawlessness reigns throughout the country, "aggravated in the south by tribalism and corruption." Apart from focusing on the perennial north-south divide as a human rights concern, he reported that privatization had caused serious national minority violations. In Jalalabad, for instance, he said Russians have been able to privatize nothing except apartments, which more or less applied to Uzbeks as well.

Nationality Issues

Conversations with human rights activists in Kyrgyzstan inevitably turn to nationality issues. Helsinki Commission staff arrived in Kyrgyzstan from Andijan in the Uzbek portion of the Fergana Valley, and spent a day and half in Osh, Kyrgyzstan's largest southern city and most populous oblast. In 1990, violent clashes between Uzbeks and Kyrgyz competing for land and housing left hundreds dead, perhaps more. Today, reverberating throughout conversations in Osh is the subject of Uzbek-Kyrgyz tensions, amplified by the juridical and political consequences of the breakup of the USSR: bloodshed like that which took place in 1990 could become an inter-state conflict, with the Uzbek army -- the largest and best trained in Central Asia -- just a short distance away. Kyrgyz fears of Uzbek hegemonism in Central Asia are sufficiently developed without this sort of threat. For instance, Uzbekistan controls Kyrgyzstan's supply of natural gas, and periodically turns it off. Kyrgyzstan, for its part, controls a good part of Uzbekistan's water supply, but Akaev has shown little inclination to risk this sort of tit for tat with Karimov.[40]

Even if things remain calm, as a Dean at Osh State University explained, other problems could exacerbate inter-ethnic tensions. Three years ago, for example, Uzbekistan unilaterally ceased cooperation with 11 other CIS states which had agreed to recognize educational documents, thus allowing people to attend higher educational institutions in other countries, even though Kyrgyzstan still accepts students from Uzbekistan. In any case, Uzbekistan is moving to the Latin alphabet, whereas Kyrgyzstan is staying with Cyrillic, so Uzbek-language schools, mostly in Osh and Jalalabad oblasts, will soon be without texts. Additionally, the establishment of new states where there were formerly no borders has complicated family contacts, and customs posts manned by bribe-hungry officials have disrupted long established patterns of trade.[41]

According to the representative of the UN High Commission on Refugees in Osh, during Soviet times, about 14 percent of marriages were inter-ethnic; the figure has now dropped to one percent. Other sources reported the Kyrgyz government has apparently been sending Kyrgyz refugees from the conflict in Tajikistan -- there are some 40-50,000 refugees in Kyrgyzstan -- to the regions with an Uzbek majority, to create a more favorable ethnic balance.

To soothe these manifold sources of friction, Russian, Kyrgyz and Uzbek are all languages of instruction at Osh State University. Kyrgyz predominates, although Russian and Uzbek are used for specific fields. In the 50 general education schools in Osh city, there are also three languages of instruction: Kyrgyz, Uzbek, and Russian.[42]

Osh also features independent, though small-circulation Russian, Kyrgyz and Uzbek newspapers, such as the Uzbek publication *Mizon*, and the Russian *Delovoi Osh* [Business Osh]. Unlike Bishkek, there are no openly oppositionist newspapers based in Osh, and local media do not usually uncover abuses by local authorities.

There are also independent, private television stations in Osh. Mizon TV, for instance, is an Uzbek-language independent station. Osh TV has its own facilities, but other stations rent facilities from the state. A journalist for Osh TV said between 1-2 million people can receive the broadcasts, which also reach the Uzbek portions of the Fergana Valley. Osh TV does not yet engage in political commentary, but is moving in that direction.

For his part, President Akaev, as mentioned above, has also focused on inter-ethnic tensions. In 1994, he created the Assembly of Nationalities, an overarching organization uniting representatives of ethnic groups who have established cultural centers. The Assembly is supposed to coordinate all the 28 national cultural centers and ensure inter-ethnic harmony. Helsinki Commission staff met with such centers both in the south and the north. Participants in these meetings generally report that the ethnic situation in the city is all right, and that their centers contribute substantially to keeping the peace. So it was in Osh, where they related there are no Uzbeks in the local branch of the Ministry of Internal Affairs or the Procuracy, but this is being resolved. On the other hand, after one meeting, a non-Kyrgyz complained to Helsinki Commission staff that the Kyrgyz chairman had monopolized the conversation and provided a much rosier picture than was warranted.

The centers receive no state funding, and must rely on other sources of finance. Nevertheless, many groups organize schools in the language of their ethnic origin and the better-organized groups put out newspapers and bulletins. All the centers attend ceremonies marking each group's Days of Culture. If an ethnic kinsman has some sort of problem with the authorities, the center will try to resolve it, by interceding with the relevant agencies.

Nevertheless, the Assembly of Nationalities, its best efforts notwithstanding, is a consultative organ, which attempts to keep fires from breaking out on the local level. Its possibilities for influencing state policy and addressing chronic nationality concerns seem limited. And despite the measures taken to manage ethnic tension and above all, to prevent another outbreak of the sort that rocked the south in 1990, everyone in Kyrgyzstan from the president down to the vendors and customers in the Osh bazaar clearly understands the fragility of the ethnic peace that has been maintained. With the general decline in living standards, rising costs, Kyrgyz and Uzbeks living closer together and competing for slices of the same shrinking pie, a worse infrastructure -- electricity, heat, etc. -- in the south than in Bishkek, and a sense that one group is receiving favorable treatment, even a minor spark could ignite a conflagration.

The north-south confrontation, for its part, has already caused a scandal in parliament. Dooronbek Sadyrbaev, a deputy who represents Osh and Jalalabad, warned during a session that if current economic, political and cadre policies continue, the southern regions might secede. Highlighting southern grievances in a talk with Helsinki Commission staff, he singled out parliamentary under-representation: Jalalabad, he argued, should have at least one more deputy. Sadyrbaev also censured Akaev for appointing Governor Muraliev, who brought his entire team along to Osh from Bishkek, rather than make use of southern talent. Moreover, 80 percent of higher educational institutions are located in the north, but the minimum wage in Kyrgyzstan is 78 som per month, and a flight between Osh and Bishkek now costs 350 som.

In mentioning secession, Sadyrbaev claimed he was merely warning about the possible consequences of current policies, as opposed to calling for any breakup of Kyrgyzstan's territorial integrity. Nevertheless, on September 26, 1997, Kyrgyzstan's Procurator General wrote Sadyrbaev that even talking about secession threatened Kyrgyzstan's sovereignty and territorial integrity: "your utterances have an anti-constitutional character." Any more such statements would lead to "stricter measures."

Vechernii Bishkek (October 2, 1997) ran the story on its front page. The newspaper argued that

Sadyrbaev's argument -- that he was merely analyzing and prognosticating, as opposed to calling for secession -- sounded credible. "All the more so, considering that President Akaev was the first to talk about North-South problems, when he spoke at the Assembly of Peoples."

Media

Ethnic tensions and internal divisions are one reason President Akaev and other officials see the media as troublesome -- but there are other reasons, as well. A key issue is official annoyance at publicly being called corrupt, charges which may be true but are not always documented. Such accusations generally emerge in the opposition press, of which the most implacable representatives are *Res Publica* and *Asaba*. *Delo No.* is more moderately opposition-oriented, while *Vechernii Bishkek*, the largest circulation newspaper in the country, is considered independent and the most professional. There are also pro-government papers, mostly published in Kyrgyz-language editions, which reportedly limit their criticism to lower-level officials. Electronic media are still largely under government control and tend to be more cautious in dealing with high politics; there have been no reports of government actions against television or radio stations.

Res Publica, in particular, and *Asaba* have borne the brunt of presidential and official ire. In April 1995, Akaev brought a libel suit against *Res Publica*, edited by Zamira Sadykova, for implying (without offering any proof) that Akaev had received a villa in Switzerland and a house in Turkey. Sadykova ultimately received an 18-month suspended sentence and was barred from working as a journalist for the same period.

The pattern of confrontation between the authorities and the opposition press has continued to this day. Yrysbek Omurzakov, a journalist for *Res Publica,* who was sentenced in July 1996 for slandering President Akayev, was sentenced for slander again in May 1997, after writing articles in *Res Publica* criticizing the government's privatization policies. He was released on bail in June, but the charges remained in force. In March 1997, the authorities closed *Kriminal* after the prime minister sued over an article accusing him of building a mansion in the Bishkek suburbs. In May, the libel trial of four people at *Res Publica* began: Zamira Sadykova, Aleksandr Alyanchikov, Bektash Shamshiev and Marina Sivasheva (the last two were a translator and copy editor). All were convicted of slander against the head of the gold mining concern. Sadykova and Alyanchikov received sentences of 18 months, Shamshiev and Sivasheva were fined and barred from working as journalists for 18 months. After an appeal, the court suspended Alyanchikov's sentence, though his 18-month ban on journalistic activity remained in effect, and threw out Shamshiev's and Sivasheva's sentences. The court did not overturn Sadykova's sentence, but had her moved to a more lenient place of detention. Subsequently released, she ran unsuccessfully for an open parliamentary seat in a by-election. Omurzakov, for his part, was sentenced in September to six months in a prison colony, appealed the verdict, was found guilty on November 4, but was released under a presidential amnesty. The Supreme Court found him guilty on January 20 according to the civil code, not the criminal code, and sentenced him to pay a fine equal to 100 times the minimum monthly wage (about $600), but the provisions of the amnesty exempted him from having to pay.

On September 9, 1997, the founder and editor of the newspaper *Femida*, Seitbek Murataliev, was beaten the day after receiving threatening phone calls at home. On September 29, President Akaev's press-secretary said during a briefing for journalists: "...this must stop, in only one issue [of *Asaba*] there are eight articles against President Askar Akaev," and said eight lawsuits would be lodged. The October

3 issue of the government newspapers *Nasha Gazeta* and *Slovo Kyrgyzstana* ran a statement of the president's press service, accusing *Asaba* of "... traveling on a path of escalating militant criticism...rude distortion of the fact" and added "the authors will be held fully responsible under the law and constitution..."

From the human rights perspective, the basic point at issue in Kyrgyzstan's treatment of Sadykova and other journalists is whether accusations of slander/libel should be handled as criminal, as opposed to civil, cases. In the former, harm is judged to have been done to the state and society, rather than to an individual, which makes prison sentences appropriate. Kyrgyz and international human rights organizations argue, without necessarily defending the accuracy of journalists' reportage, that slander/libel cases should be civil, and anyone guilty of defamation should have to pay a fine.

President Akaev maintains this is his view, as well, and has publicly called for the decriminalization of slander/libel. A high-level presidential advisor told Helsinki Commission staff that economic measures could be much more effective, and "would not make heroes out of irresponsible journalists." He noted, however, that many parliamentarians want to retain criminal liability for slander. The head of the presidential legal department explained, in addition, that Akaev had ordered the removal of slander/libel from the criminal code, but the civil code must be amended before removing criminal liability from criminal code. She noted specifically that the law should stipulate serious fines for slander; now, fines are small because judges must consider the defendant's economic situation in assessing the amount of damages. Plaintiffs, knowing their slanderers might, at worst, have to pay small fines, see little sense in appealing to civil courts for damages.

While many deputies reportedly want to retain criminal penalties for defamation, President Akaev is well aware of the damage done to Kyrgyzstan's image by imprisoning journalists for what they write.[43] Yet these cases date back to 1995. Despite his frequent statements in support of the decriminalization of slander/libel, he has moved very slowly to remove the source of the most publicized human rights problem in Kyrgyzstan.

Exemplifying the general trend towards tighter government control of the press, new customs regulations issued in September 1997 -- Resolution 320 -- limit items that may be brought into Kyrgyzstan. Among those banned are materials, including books, audio or video-cassettes "containing data that may damage the Republic's political or economic interests, its national security, public order, health protection and public morals." The instructions did not specify who would make decisions about the harmfulness of such materials.[44] The potential for official abuse in such regulations, especially given the prevailing atmosphere of relations between the government and the opposition press, is obvious.

At the same time, the press has made accusations and insinuations without proof and then cried "foul" to the whole world when charged with slander. The opposition press in Kyrgyzstan has certainly performed important services in uncovering and publicizing high-level corruption, but must decide whether it wants to become an actual fourth estate or revel in irresponsible scandal-mongering.

For example, though local media in the south reportedly do not usually publicize instances of official corruption, there have been at least some such cases. *Delovoi Osh* reported that the wave of repression against journalists, specifically mentioning *Res Publica* and *Asaba*, had reached the south.[45] The Uzbek-language newspaper *Mizon* in July ran an article about 50 policemen who were selling drugs, but were then released. The Osh Department of Internal Affairs sued the paper, charging that the dignity

of all members of the law enforcement organs had been offended.

Mizon did not relate any facts about the participation of 50 members of the Osh Department of Internal Affairs in selling 'white death,' but based its story on rumors circulating in the city. *Delovoi Osh*'s commentary illustrates a good deal about the media slander problem in Kyrgyzstan: "Of course, you can't put rumors in the investigative file, but as they say, 'where there's smoke, there's fire.' The department, trying to get an apology and a retraction, is seeking to influence journalists through the courts." Ultimately, the parties received a court date, but the police representatives did not show up.

Police in Osh may well be engaged in drug-dealing, but any newspaper that wants to make the claim must have proof, and not merely assume that smoke means fire. If economic sanctions are introduced instead of jail terms for those convicted of slander, the focus of controversy will shift to fines. Opposition journalists will surely charge -- not entirely without grounds -- that the judiciary is wholly beholden to the executive branch and is determined to use fines to break the independent and opposition press. But the threat of bankruptcy may induce journalists to supply proof of their charges against officials. In any case, leveling fines for slander is far preferable to the ongoing series of criminal cases against journalists in Central Asia's most liberal country.

In November 1997, parliament passed a new law on the media, which had been drafted by deputy Adakham Madumarov. Describing his innovations to Helsinki Commission staff in October, Madumarov argued for broadening the rights of journalists and specifying the bureaucracy's obligations to provide information in a timely manner. His draft would allow only a court, as opposed to a government official, to close a newspaper, and would free journalists of legal responsibility if they quote a member of parliament or if they reported news already reported elsewhere. Media outlets, for their part, would have to print rebuttals to false information, free of charge.

For journalists, however, the draft included problematic provisions. Journalists would be barred from writing about a criminal case while it was still under investigation until a court decision comes into effect. Furthermore, mass media could not enter public or private enterprises without permission or make public information about the private lives of individuals. Most chilling, journalists would have to name their sources upon request.

Akaev, as he had previously promised journalists, sent the new media law back to parliament in December with suggested amendments. In the ensuing debate, some deputies voiced support for Soviet-era restrictions on the press, including censorship. Parliament also passed two laws in December, on the professional activity of journalists and on guarantees and freedom of access to information. Deputies sent a revised media law back to Akaev in January, meanwhile leaving the 1992 media law in effect.

President Akaev told a Western human rights activist in December that he knew nothing about the above-mentioned Resolution 320, but would investigate and take appropriate measures if the resolution imposed impermissible restraints on the press. Perhaps most important, in November, Akaev sent parliament a bill amending the criminal code so as to bar criminal penalties for slander. Instead, he proposed the imposition of fines 1000 to 3000 times the monthly minimum wage. With the president's position now clear, it remains to be seen whether parliament will agree to decriminalize slander, and if not, how hard Akaev will fight to win this important legislative victory.

Journalists are not the only opposition activists to have wound up in jail. Authorities charged

Topchubek Torgunaliev, opposition leader, chairman of the Erkin Kyrgyzstan Party, and former rector of the Bishkek Humanities University, as well as his assistant Timur Stamkulov, with theft of state property, malfeasance and abuse. In January 1997, Turgunaliev was sentenced to ten years in prison and confiscation of all his property, while Stamkulov received six years, even after the court dismissed the charges of theft and malfeasance. The Supreme Court reduced Torgunaliev's prison term to four years. Initially allowed to live at home while serving his sentence, Torgunaliev took part in some political gatherings, and was moved in March to a jail near the Kyrgyz-Tajik border, where his health deteriorated. Authorities returned him to Bishkek during Hillary Clinton's visit to Kyrgyzstan in November 1997. Various human rights organizations, including Amnesty International, consider Torgunaliev a prisoner of conscience, as he was a leader of the movement For Deliverance from Poverty in Kyrgyzstan, which in January 1997 applied to become an official opposition bloc. Human Rights Watch/Helsinki wrote to President Askar Akaev in January 1997, asking him to overturn the court decisions. Noting that Turgunaliev was arrested on December 17, 1996, after a peaceful public protest by pensioners, HRW/H wrote "the charges appear to be politically motivated to silence challenges to your government."

The difficult economic situation in Kyrgyzstan has, indeed, generated protests by pensioners and others. In June and July, there were large unsanctioned demonstrations in Bishkek decrying the housing situation in the capital. Police beat some demonstrators, and Tursunbek Akunov, the leader of the Kyrgyz Human Rights Movement, was sentenced to 15 days in jail for organizing an unsanctioned meeting.

Religious Tolerance

According to the official newspaper *Slovo Kyrgyzstana (* November 20, 1997), participants in an October 1997 international seminar in Osh on "Central Asia: Religion and Society," generally agreed that "the influence of Islam in Kyrgyzstan... [was] not as noticeable as in the other three republics" [i.e., Tajikistan, Uzbekistan and Turkmenistan.] Nevertheless, the government has grown more concerned about Islam, and evidently about Christian (non-Russian Orthodox) congregations.

In March 1996, the government created a new State Commission on Religious Affairs, which is supposed to strengthen inter-denominational tolerance and support freedom of conscience. President Akaev signed a decree in November 1996, requiring all religious organizations to register with the Commission. The Commission and the Ministry of Justice denied an application for registration by a congregation of Baptists in Naryn oblast, a ruling upheld despite lawsuits and appeals. In October 1996, the Baptists reported that police broke into their services and threatened congregants. The Chairman of the Commission said that he had told the authorities to let the Baptists worship in peace, and they were registered in late 1997.[46]

There have been relatively few such reports. But concerns voiced by Kyrgyz government officials and the Muftiat (Spiritual Directorate of Muslims) about the spread of fundamentalist Islam, called "Wahhabi movements," as in Uzbekistan, have gotten more attention recently. According to *Ekho Osha* (August 9, 1997), "the Council of Ulema [religious scholars] of the Spiritual Directorate of Kyrgyzstan's Muslims has...set up a special commission to draw up measures to prevent Wahhabism from being propagated in the country." The Council was especially afraid of the spread of "Wahhabi" ideas among Uzbeks in south Kyrgyzstan, especially in Osh Region.[47]

In December 1997, the Muftiat again condemned the dissemination of "Wahhabi" ideas. Strongly criticizing an October decision by the Commission on Religious Affairs to allow an International Center for Islamic Cooperation to register at the Ministry of Justice, the Muftiat called for the Center's closing. The campaign has continued in 1998. Kyrgyzstan's Deputy Mufti told an Uzbek-language newspaper that the Muftiat had decided to "draw up necessary measures on fighting such religious sects and groups like Wahhabism and others...to hold fast to our Sunni way."[48] The Muftiat and the National Security Ministry have established special bodies to monitor radical Islamic activities in Osh and Jalalabad regions.

So far, the confrontation between official and unofficial Islam in Kyrgyzstan has remained low-key, compared to Uzbekistan. But a new draft law on religion, which reportedly would bar "sects" from spreading in Kyrgyzstan (as in Russia), was presented to parliament in 1997. Considering that there are now about 2000 mosques in southern Kyrgyzstan, and the nexus between possible religious fundamentalism and Uzbek-Kyrgyz tensions, growing government anxiety could lead to a reconsideration of the liberal policy pursued to date.

Conclusion

Kyrgyzstan today remains ahead of its neighbors in terms of separation of powers, limitations on the power of the presidency, and opportunities for political parties and NGOs, including human rights monitoring groups, to receive and disseminate information and to try to influence government. The press, though under duress, can report on most issues, though it does not always behave responsibly. While President Akaev understands the need to decriminalize slander, government pressure on the media seems to be a chronic problem. Moreover, with a presidential election coming up in 2000, Akaev will have to decide whether to try to hold a referendum extending his power, or argue that he should run again. There will be opposition to either initiative both in parliament and among the opposition political parties and press. To silence or overcome these challenges, Akaev may crack down harder.

Perhaps more worrisome is the general trend in the country. After seven years in power, Akaev may have caught the regional "president's disease." Moreover, there are external constraints on his freedom of maneuver. Akaev's departure from power, either as a result of losing an election, or failing to win a referendum extending his tenure, would be a dangerous precedent for Uzbekistan's President Karimov and Kazakstan's President Nazarbaev. No Central Asian president has stepped down yet, and many believe that they will not allow Akaev to leave office. Based on the events of the last few years, it may not be too hard to convince him to stay on.

KAZAKSTAN

Helsinki Commission staff arrived in Almaty from Bishkek just as three major events were unfolding: the ousting of Prime Minister Kazhegeldin; the impending move of the capital to Akmola; and the launch of a workers march from Kentau to Almaty. Each in its own way and all of them together reflect the current reality and the future direction of Nursultan Nazarbaev's Kazakstan.

Underlying Kazakstan's politics are a basic demographic fact: centuries of Slavic in-migration and the losses suffered by Kazaks, especially under Josef Stalin, when an estimated 1.5 million died or were killed, made Kazakstan the only former Soviet republic where the titular nationality did not constitute a majority. According to the 1989 census, Kazaks were only 39.7 percent of the population.

Russians comprised the single largest other ethnic bloc, 37.8 percent. As of 1997, the population of about 17 million is about 45 percent Kazak and 35 percent Russian, with many other ethnic groups.[49] Russians are heavily concentrated in the northern and eastern regions, bordering Siberia, and further west along the border with Russia, where Cossack communities are numerous.

The country is split, then, between a Slavic north and a Kazak south. Moreover, the traditionally nomadic Kazaks are themselves divided into three clans, called *zhus*: the Lesser Horde (concentrated in western Kazakstan), the Middle Horde (north-central Kazakstan), and the Great Horde (southern Kazakstan).[50] Though often at odds with each other, the Kazaks welcomed their national regeneration, which spawned some exclusivist nationalist groups demanding Kazakstan for the Kazaks. Not surprisingly, the large Russian population was deeply alarmed, and organizations arose to defend Slavic interests.

As in Kyrgyzstan, therefore, governing Kazakstan necessitates maneuvering between the competing imperatives of ethnic inclusiveness and promoting the titular nationality. But Kazakstan's far greater proportion of Russians and the danger that secessionist sentiments among Russians could become a reality has made a successful balancing act even more critical.

The task has fallen to Nursultan Nazarbaev, who has reigned over this vast, divided land ever since the republic's legislature elected him president in 1990. When the USSR collapsed, he won an uncontested presidential election in December 1991. Nazarbaev then maneuvered the parliament into dissolving itself in December 1993. New elections took place in March 1994, in which many inconvenient candidates failed to be registered, and 40 slots were set aside for candidates from the presidential list. The resulting legislature, however, also proved insufficiently obedient. When a disgruntled candidate who had lost her race filed a suit to invalidate the results of the voting in her electoral district, the Constitutional Court ruled the entire election invalid, neatly providing Nazarbaev an opportunity to disband parliament in March 1995. He then inaugurated a period of presidential rule by decree, and convened an Assembly of the People, which passed a resolution extending his tenure as president until 2000. A national referendum sanctioned the extension in April 1995. Another referendum in August 1995 -- also marred by irregularities -- approved a new constitution, which created a bicameral legislature and enhanced Nazarbaev's powers further. New parliamentary elections were held in December 1995.

Parliamentary deputies discussed with Helsinki Commission staff their differences with the government, especially on pension reform. But the legislators explained that they had yielded in the interests of stability, not wanting to close down the government or parliament. On other issues, they expressed full confidence in President Nazarbaev to safeguard the country's security and maintain good relations with neighbors. In fact, if deputies in Bishkek spoke of Uzbekistan's designs on Kyrgyzstan, parliamentarians in Almaty portrayed their country's relations with neighbors as good and getting better. In general, they professed to see no strategic competition with Uzbekistan for regional hegemony, or any threats to their security from neighbors. In contrast to Kyrgyz deputies, they voiced not one critical word about their president.

President Nazarbaev is apparently "three times lucky," and finally has the pliant parliament he has sought (the legislature does not control the budget, cannot change the Constitution, and has no oversight responsibilities over the executive branch). Any serious challenge he faces comes not from parliament or any other institution, but from the individual most observers see as a future rival: former

Prime Minister Akezhan Kazhegeldin, who had come noticeably to the fore in the last year and a half. He had overseen the privatization of many enterprises, while strongly favoring foreign firms among the purchasers, which helps account for his reputation in international financial organizations as a knowledgeable reformer.

In early October, Kazhegeldin was in Geneva, reportedly nursing a case of phlebitis, while Almaty was awash in rumors of his impending resignation. One month earlier, the Prime Minister had published a stunning article in *Karavan* acknowledging what had been suspected: that he had worked for the KGB.[51] Many observers in Almaty believed Kazhegeldin's confession was designed to preempt an expected revelation that would have presented the particulars in an even more damaging way. In any case, the article and his absence bolstered widespread suspicions that the battle between the president and the prime minister was out in the open. Kazhegeldin ended the suspense by resigning in early October.

Assuming Kazhegeldin is prepared to mount a challenge, will Nazarbaev see him as a serious enough rival to change his plans, whatever they may be, for 2000? Having extended his tenure by referendum until then, Nazarbaev must decide how to remain in office legally. He could argue that he can still run twice, since he had been elected in 1991, before the adoption of the current (1995) constitution, which stipulates a maximum of two consecutive presidential terms. Or, he might try another referendum to extend his term and obviate an election. Another alternative pondered by local analysts envisioned pre-term presidential elections, if Nazarbaev fears that Kazhegeldin -- possessing wealth and perhaps clout among the regional governors (akims), who will heavily influence elections on territory they control -- might be stronger in 2000 than he is today. On October 10, Nazarbaev announced that he would not schedule pre-term elections, and perhaps he will not. But observers in Almaty now assume that Nazarbaev may face a real contender when he next goes before the voters. If so, it will be the first time for him. Planning for these eventualities will presumably constitute the crux of domestic politics in Kazakstan for the next two years.

Meanwhile, Nazarbaev is firmly in the saddle. One good illustration of his power is his ability to decide, apparently unilaterally, to move Kazakstan's capital north to Akmola. The decision was announced in July 1994, in the form of a presidential decree having the power of law. Strikingly, nobody in Almaty in October 1997, even after years of discussion of the prospect, could supply a convincing explanation for the president's decision to transfer the capital from comfortable Almaty, with its developed infrastructure, capital tradition, and a moderate climate, to an undeveloped city in the middle of Kazakstan, with extremes of weather that make people groan when they contemplate living there.[52] The reasons publicly adduced were: Almaty's infrastructure is inadequate, and the city can no longer be expanded to meet growing needs; Almaty's seismic location is dangerous; and Akmola is more accessible to international airlines.

These motivations, however, individually or collectively, are not a very convincing basis to move a capital, at huge expense -- which the government acknowledges it cannot cover -- to a city without fully equipped telephone connections and without housing for beleaguered public servants. Why, then, move to Akmola? Among the most popular conjectures is the desire to relocate the capital closer to Russian-populated regions in the north, counterbalancing secessionist tendencies. Over time, the theory goes, Kazaks will move to the capital, thus thinning out the Slavic majority. Other analysts suggested that Almaty is dangerously close to China, whose expansionist ambitions many Kazaks profess to fear. Still others speculate that Nazarbaev wants to get rid of his southern-based Great Horde clan entourage, because resistance to reform is located in Almaty. Perhaps most telling is the conjecture

that moving the capital is essentially an act of self-affirmation -- of Nursultan Nazarbaev stamping his personal authority on his country and his era.[53]

Whatever the reason, the fact remains that one man commands enough power in Kazakstan to ram through a colossal project that will surely affect many peoples' lives but that few support, and that nobody in Kazakstan other than Nazarbaev himself seems to understand fully.[54] Yet he has encountered no opposition whatsoever.

Disposing of such power, Nazarbaev has provided room in his Kazakstan for a wide spectrum of political groups, including opposition parties. The Socialist Party and the People's Congress were Nazarbaev-sponsored early attempts to supplant the Communist Party, no longer useful to a president of Kazakstan. Subsequently, he shifted to the People's Unity Party, today the official government party. Among the opposition are the leftist Communist Party and rightist Kazak nationalist parties like Azat.

None of these parties is particularly influential. Each has a small social base, generally appealing to intellectuals or to ethnic constituencies, and are most visible in the capital. In 1996, two national political opposition movements emerged: Azamat and Republic. The latter is an umbrella group of 20 parties, associations, and movements, including the Communist Party. Azamat seeks to appeal across ethnic lines, accusing Nazarbaev of creating an authoritarian regime that has concentrated new wealth in a few favored hands while impoverishing most of the population. In November 1997, representatives of several opposition movements and parties assembled to plan the creation of an opposition union, the National Front, which unites Kazak nationalist groups, such as Azat, with Azamat, the Communist Party of Kazakstan, the Workers' Movement, Lad (which represents the Slavic population), and the Socialist Party of Kazakstan.[55] Apparently in response, 17 parties and movements signed a memorandum on cooperation with the government in early January 1998.[56]

Two movements appear to have a broader base: Pokoloenie [Generation], which represents retirees, especially Russian-speaking; and the Confederation of Free Trade Unions. CFTU leader Leonid Solomin claims to have a membership of half a million, and focuses on the interests of workers who are unemployed or have not been paid in months, if not longer. There are many such people in Kazakstan and many whose living standards have declined precipitously: the International Federation of the Red Cross reported that about 73 percent of Kazaks live below the government's poverty line of $50 per person per month.[57] Workers and pensioners have often tried to organize protest demonstrations; in early October, some 1500 workers who had not been paid for nine months began a march from Kentau to Almaty. Police forces refused to let them proceed, but the demonstration lasted until early November, when arrears were partially paid up. More significantly, the marchers made political demands as well, such as the resignation of the Cabinet of Ministers, and sometimes, of the president.

A March 17, 1995 presidential decree issued while parliament was disbanded remains in force and limits the ability of citizens to participate in unsanctioned demonstrations. Gaining permission for such gatherings is difficult, and authorities have jailed violators. Madel Ismailov, leader of the opposition Working Class Movement, for example, was imprisoned for leading an unsanctioned rally on May 30 that drew thousands of participants, and many others have been fined.

Nazarbaev tried to stem the tide of demonstrations by convincing over 50 parties and movements in early 1997 to back his proposal to declare the year one of national accord and to refrain from protest

actions. At the same time, Nazarbaev himself has recognized the dangers of the growing gap between winners and losers in independent Kazakstan. In an October 10 speech, in which he laid out his long-term vision for the country until 2030, he said if poverty remained chronic, there was "a potential for social instability....If Kazakstan becomes a state with a thin layer of affluence, its durability will be weak, it will have instability both within and without, and will be doomed at best to inertia."

Though acknowledging the gap between haves and have-nots, thus implicitly confirming opposition charges, the authorities have sought to discredit, harass and intimidate opposition leaders. For instance, the authorities accused Solomin in March 1997 of violating hard currency laws. In August, when Kazhegeldin was still prime minister, he came to terms with the CFTU, reportedly ordered an end to harassment, and the charges against Solomin were dropped. With Kazhegeldin now gone, however, Solomin has lost a high-level protector, and human rights organizations report the charges have been reinstituted.[58]

Even more ominously, on December 1, 1997, Petr Svoik, one of Azamat's three co-chairmen, was beaten up by four masked attackers in Bishkek, where he was participating in a conference on democratic processes in Central Asia. Svoik charged that his attackers, who burst into his hotel room, were from Kazakstan's security services. Kazakstan's mass-media gave broad coverage to the Svoik beating, and to the subsequent press-conference by opposition groups. President Nazarbaev and the Minister of Internal Affairs also held press-conferences, at which they discussed the assault. Nazarbaev voiced deep concern, adding that Svoik is "our citizen, we need the opposition and nobody will be punished for expressing his own views." He said he had ordered the Ministries of Foreign and Internal Affairs to cooperate with the Kyrgyz authorities in solving the case. But he also said that some opposition leaders are "parasites" on the body politic. Minister of Internal Affairs Suleimenov, for his part, conjectured that Svoik had been beaten up due to "involvement in some commercial deals."[59] However, it is difficult to see the beating of Svoik as anything other than a bald-faced attempt to punish outspoken opposition leaders and intimidate others into obedience or silence.

Though opposition groups endure harassment, they continue to function, as do many NGOs, including independent human rights monitoring groups. The best known are: the Kazak-American Bureau on Human Rights and the Rule of Law (now renamed the Kazakstan International Bureau for Human Rights and the Rule of Law); the Almaty Helsinki Committee; and Legal Development of Kazakstan. A representative of the first told Helsinki Commission staff that the most serious human rights problem in Kazakstan might be the flood of cases of people convicted and sentenced to long prison terms on the basis of forced confessions. As in other former Soviet republics, beating of detainees is routine and confession is the most standard form of evidence.[60] The judicial system is perceived as corrupt, issuing judgements according to contacts, clan relations, and for money. Furthermore, he maintained, there is no way to influence the authorities except through meetings, demonstrations, boycotts, or strikes, and all these are effectively banned, which deprives citizens of the right to peaceful assembly.

Igor Rogov, a presidential advisor on legal matters, and the former secretary of the Constitutional Court, denied that there are masses of people in jail because of forced confessions. He conceded that there might be some such cases, and offered to investigate any specific instances. Furthermore, Rogov reported that the new criminal code included many improvements. For instance, human rights activists have the right to become involved in cases at the very beginning, and lawyers can gather evidence. Police are now legally responsible if they do not release detainees after three days

without charges. Rogov added that the jury system will eventually be introduced in Kazakstan.

In April and December 1997, the Kazakstan International Bureau for Human Rights and the Rule of Law issued open letters to President Nazarbaev, warning about the government's violation of civil, political, social, economic and cultural rights. The April letter focused particular attention on the authorities' actions against peaceful demonstrators, a point reemphasized in December. On October 22, the Deputy Minister of Internal Affairs issued instructions to local police, charging that members of organizations hold private meetings to discuss the situation in the country and to take actions, which are not provided for in their statutes. Furthermore, the instruction continued, "the law obliges representatives of law enforcement agencies to attend assemblies held by public organizations." The Bureau for Human Rights warned that the authorities' words and deeds with respect to NGOs signaled a presumption of guilt and an intention to monitor their activities even in private settings, using police-state methods, which placed the human rights of citizens at grave risk.

To help protect these rights, Kazakstan has a Presidential Human Rights Commission, established in February 1994, at President Nazarbaev's initiative. A consultative organ of 17 members, with a small staff, its main goal is to help Nazarbaev formulate and implement his human rights policies, thus fulfilling his constitutional role as guarantor of human rights. Commission members carry out some ombudsman functions as well, receiving petitions, most of which center on socio-economic issues, such as non-payment of salaries or the behavior of law enforcement and judicial organs. The Commission makes inquiries with government agencies about complaints, is empowered to request materials from any agency, and can invite officials to testify, although it rarely does so. If members believe a petitioner's human rights have been violated, the Commission can appeal to the Supreme Court.

The Commission has written a human rights report for Nazarbaev, which has not been made public; future reports might be, however. Other plans include hopes to activate local branches of the Commission which have been set up in the regions, under the governors.

A Commission member acknowledged that the body's financial basis is shaky; among other things, insufficient funds preclude issuing a journal or bulletin. He voiced a certain envy of NGOs which received grants from foreign governments and international organizations to do so. A more telling admission was how difficult it is to get officials to pay attention to human rights. In general, the member agreed, the Uzbeks have set up human rights institutions faster than the Kazaks. He hoped that an ombudsman will be established by 2000.

Possessing purely consultative powers, lacking money to undertake independent initiatives or the ability to lobby for more financial backing, and confronting uncooperative officials, the President's Human Rights Commission's effectiveness is rather limited. Though the Commission has cooperated with human rights NGOs, their relations have not always been smooth. Amnesty International protested to President Nazarbaev after the First Deputy Chairman of the Commission accused three human rights groups of trying to besmirch Kazakstan in international public opinion and of links to international organizations seeking to destabilize the country and engage in "ideological sabotage." After the letter was printed in the media, pressure on the groups eased.[61]

Nationality Issues

Though Nazarbaev has managed to govern his ethnically divided country without any serious outbreaks of inter-ethnic strife or violence, non-Kazak grievances continue to fester, if apparently tempered by growing resignation. Kazaks have become dominant in government, have been the primary beneficiaries of privatization (especially those close to Nazarbaev), and are favored in education, housing, and other areas.[62] Nazarbaev has rejected demands from Russians, supported by Moscow, for dual citizenship. Like Kyrgyzstan, however, Kazakstan has signed an accord with Russia which allows citizens of Kazakstan who have been permanent residents to acquire citizenship in Russia quickly and easily.

Language problems remain paramount. The government has several times delayed the implementation of laws making the use of Kazak compulsory. Russification was quite thoroughgoing in Kazakstan; many Kazaks themselves, especially urban residents, know the language poorly or not at all. But Russian has not gained the status of second state language, though it has been nominally upgraded from "the language of inter-ethnic communication" (1993 constitution) to "the social language among peoples," and "officially used equally with Kazak in government offices and offices of local administration" (1995 constitution). A new language law passed in July 1997 confirmed the latter designation, and mandated that instruction in secondary, vocational schools and institutes of higher education will be provided in both Kazak and Russian. On the other hand, the legislation stipulated that there may not be less television and radio broadcasting in Kazak than in other languages, i.e., Russian. The parliament's lower chamber had amended the draft language law so as to establish a list of government positions open only to Kazak-speakers. Ethnic Kazaks would have until 2001 to attain the necessary fluency, non-Kazaks until 2006. The Senate (upper chamber) rejected these provisions, and the final version of the law did not impose any deadlines.

Nevertheless, in early October 1997, Russian speakers in Almaty voiced concern about supposedly having to learn Kazak by a certain date. In January 1998, President Nazarbaev announced that the government is considering switching the official script from Cyrillic to Latin, as part of his program of computerization and introduction of English as a mandatory language throughout the education system by the year 2000.[63] Though Nazarbaev mentioned no time frame for the switch, the idea is sure to alarm Russians.

Indeed, large numbers of Russians have voted with their feet by emigrating, mostly to Russia. According to Russia's Federal Migration Service, 581,000 people moved to Russia in 1997, about a quarter of them from Kazakstan.[64] There are 800,000 fewer Russians in Kazakstan today than in 1989, although the wave peaked in 1994, when over 251,000 Russians left.[65] Their motivations, according to opinion polls, are: ethnic reasons (31.9 percent); economic reasons (31.4 percent); fear for the future of their children (30.6 percent); isolation from Russia (28.2 percent); absence of prospects and lack of certainty about the future (21.1 percent), and for many emigrants, a mix of all the above. Many complain of living under constant psychological pressure, and have stayed only because housing in Russia is so expensive.[66]

Whatever the reason, obviously many Russians feel that as Kazakstan becomes increasingly Kazak with time, they will have no place in the country. Their plight is similar to that of Russians elsewhere in Central Asia and throughout the former USSR, though not necessarily a human rights issue. What sets Kazakstan apart is their sheer numbers, the related questions about whether the country can

exist as a bi-ethnic entity, and whether these tensions will eventually lead to confrontation -- with the obvious danger of Moscow's involvement -- accommodation, or possibly ever larger emigration. So far, Kazakstan's Russians have not resorted to ethnic clashes, or declared autonomy in the regions where they predominate. Those who have come into confrontation with the authorities, such as journalist and Cossack leader Boris Suprunyuk, have been imprisoned.[67]

Russians are not considered a national minority by the organization created to represent the interests of minorities: the Assembly of the People, established in February 1995 by Presidential decree. A consultative organ to Nazarbaev, who chairs the Assembly, its purpose is to reduce ethnic tensions and promote institutions that deal with problems that arise. Small assemblies have been created in every oblast, while a few consultants constitute the permanent staff. There are 27 national-cultural centers in Kazakstan, and Nazarbaev meets every three months with their leaders.

According to Assembly spokesmen, their responsibilities include evaluating the nationality situation, working out recommendations and appraising drafts of laws relating to national issues, while promoting the establishment of national-cultural centers. They said President Nazarbaev supports setting aside 10 percent of places in faculties of higher educational institutions for members of national minorities, i.e., non-Kazaks and non-Russians, who constitute about 20 percent of the population.

Representatives of various national-cultural centers gave Helsinki Commission staff an optimistic picture of ethnic inter-relations. When asked, for example, about the new language law, which many Russian speakers had cited in previous conversations as a source of grave concern, one said the introduction of the Kazak language was "being done so well it is not frightening." Also, she added, people have not carefully read the new regulations, which, in fact, do not impose deadlines for fluency in Kazak.

As in Kyrgyzstan, the Assembly of the People in Kazakstan is apparently a useful umbrella organization which demonstrates high-level interest in nationality issues while providing a forum for the expression of national cultures and grievances. There is little evidence, however, that the Assembly influences policy. In fact, as the Assembly was the body Nazarbaev used to propose the extension of his presidential tenure, it seems nationality matters are only one of its functions and purposes, and perhaps not the most important.

Media

Opposition political parties, independent NGOs, and human rights monitoring groups report that the media in Kazakstan are relatively free -- within definite limits. For example, television may report about disastrous economic conditions in the regions. A member of the Majlis (lower chamber of parliament) gave TV audiences in January 1998 a picture of destitution among inhabitants of Uralsk and adjoining areas, where all large industrial enterprises have shut down, agriculture has collapsed, prices for public utilities are rising, and people cannot afford to pay them. Most interesting, and alarming, he added that a local arms factory had accumulated a large stock of small arms, and he warned that they might be seized by townsfolk.[68]

On the other hand, topics deemed extremely sensitive for media coverage include: President Nazarbaev and his family, high-level corruption, relations with Russia, and inter-ethnic relations within

the country. In that context, the publication in *Karavan* -- the largest circulation newspaper in Central Asia -- on October 3, 1997 of two letters from three leaders of Azamat was remarkable. The first was a letter to President Nazarbaev, calling for the ouster of Prime Minister Kazhegeldin, whose government was leading the country to a "catastrophe." The authors acknowledged that "conditions are gradually being created for the rise and functioning of market relations," but objected strongly to Kazhegeldin's approach. They accused him of selling off the country's most valuable deposits of fossil fuels and largest industrial enterprises, while failing to pay salaries and pensions. Moreover, they openly charged him with corruption: "among businessmen and high government bureaucrats there has long circulated the view that Kazhegeldin doesn't just take [bribes and kickbacks], he takes a lot."

Ostensibly aimed at Kazhegeldin, the letter obviously implied that the President was allowing his Prime Minister to ruin the country. But far more explosive was the second letter to Nazarbaev, because it attacked the president directly, and is worth quoting at length. During his years in power, the authors wrote, Kazakstan had seen three constitutions, three parliaments and three prime ministers. "Step by step you organized the dissolution of two 'disobedient' parliaments and created a parliament totally under your control," which allowed Nazarbaev to extend his presidency [by referendum] to 2000, and introduce a new constitution that provides "unlimited authority and removes you from any control or accountability....Our common homeland, Mr. President, in principle is incompatible with a regime of personal authority." Going even farther, the authors charged that "authority, convinced of its own impunity, is headed towards absolutism. It is not accidental that lately rumors have been circulating ever more persistently in society about the resurrection of a khanate [!], or in the worst case, creation of a mechanism to inherit the presidential post. You appoint members of your own family to apparently insignificant positions which are in fact quite responsible, given their functions."

Furthermore, "The activity of social and political organizations with views independent of or opposed to authority is practically impossible. Threats, provocations and forceful pressure on the leaders of social-political movements and representatives of the protesting populace is becoming the norm." At the same time, "The impoverishment of the overwhelming majority of the people and the simultaneous appropriation by a small group of people in power of great riches, which by right belong to the entire nation, is the detonator of a social explosion of great force brewing in our society."

The authors concluded with an appeal to Nazarbaev: "You have been elected president two times consecutively and in general have occupied that high state post for the two full terms defined by the constitution. You have made your contribution to the establishment of a sovereign Kazakstan, and the nation will doubtless assess your services properly. Now, when not so much time remains before your term as president comes to an end [!], we are sure that you, better than anyone else, can critically evaluate the course the country is on...and apply the necessary correctives."

The letters' references to the president's authoritarianism, his family, a possible family dynasty, and the development of Kazakstan into a khanate, instead of a modern, Western-oriented country all go well beyond established norms of analysis or criticism. As a personal attack -- in itself so unusual -- it failed only to accuse Nazarbaev himself of corruption. How did the authors dare, and why did *Karavan* publish the letter? According to one theory proposed in Almaty, the newspaper's publisher, Central Asia's biggest media tycoon, Boris Giller, is an ally of Kazhegeldin, and was apparently willing to take a risky step on his behalf. Others argued that the letters would never been published without Nazarbaev's approval, which he gave to demonstrate how open Kazakstan is under his rule. The newspaper's editors, for their part, left themselves an out. Implying that the opposition leaders had some

hidden agenda, *Karavan* concluded: "It is sad. We don't have an opposition, there are just various means of attaining personal ends."

The second open letter to Nazarbaev first appeared in Moscow, but still, the most popular newspaper in Kazakstan published the text, unedited. Even if the decision reflected only a struggle among political titans, as opposed to an unpressured decision by a free press to disseminate opposition views, the public benefited by hearing the opposition perspective and seeing that open criticism of the president himself is possible. If Kazhegeldin does challenge Nazarbaev, he will likely try to use the press more often and even more pointedly.

On the other hand, *Karavan*, however popular, cannot compare with television for access to the public. No television station would have been so daring. And Nazarbaev has taken care to put the country's most powerful communications medium into reliable hands: Dariga Nazarbaeva, his daughter, runs Khabar, the main state TV channel.

Moreover, freedom of expression in Kazakstan is mostly a feature of Almaty and some other large cities. In the regions, by contrast, the governors (akims), who are beholden to Nazarbaev, are fully in charge. Local newspapers and any independent television and radio stations steer clear of controversial topics. In fact, the government has moved to clamp down on independent television. Private broadcasting began in 1990 and by the end of 1996, there were over 65 non-governmental television and radio broadcasters in Kazakstan's 20 largest cities. Only in December 1996, however, did the government institute a tender process for licensing: a newly created Frequency Commission would announce which frequencies were available for private broadcasters, interested parties would apply and the Commission would select the best applicants.[69]

But the government stacked the deck by, first, reserving for state media VHF frequencies, which two-thirds of private broadcasters were using; UHF channels reach a smaller audience, and private broadcasting depends on advertizing, which requires high audience numbers. Second, the cost of a new license is exorbitant -- about $34,000.00 plus $11,000.00 a year for the license, which would exceed the gross annual income of many private broadcasters. Third, already licensed broadcasters received no precedence in the tender process, and fourth, the Commission's decisions were made in complete secrecy. The result, according to Internews, is that the re-licensing process has set private broadcasting in Kazakstan back several years, and "has been used to severely curtail the [activity] of broadcasters who have proved themselves to be independent-minded or critical of the government."[70]

On balance, the media in Kazakstan are today free to report on the doings of government and the behind the scenes stories as well, while taking care not to offend the highest and mightiest, and walking cautiously around certain sensitive topics. Sometimes, the press can even publicize an opposition attack on the president, though for reasons unclear to outsiders, and possibly at Nazarbaev's own behest.

Religious Tolerance

As mentioned above in the section on Kyrgyzstan, participants in an October 1997 Osh seminar on religion generally agreed that "the influence of Islam in Kyrgyzstan and Kazakstan were not as noticeable as in the other three Central Asian republics." In other respects as well, relations between the state and religion are relatively liberal. Observers agree that Kazakstan provides poor soil for Islamic

fundamentalism, and there have been few reports so far of the spread of unofficial Islam or of government actions against it.

With respect to Protestant faiths, government-controlled television complained in June 1997 that over 2,000 Kazakstanis had been converted to other religions and proposed stopping foreign missionaries who were preaching "Christianity and Krishna ideas on our own soil."[71] But a missionary who fled Uzbekistan told Helsinki Commission staff in Almaty that while the authorities keep an eye on missionary organizations and gather information, there has been no intimidation. There are 20-30 representatives of various missionary organizations working in Kazakstan and churches function without impediment. In general, she said, there is much more freedom in Kazakstan, where, for example, the faithful can evangelize in stadiums and can rent halls without risk.

Still, Compass Direct reported that the Seventh-Day Adventist Church in Almaty was bombed on November 17, 1997. The next day, the local Palace of Culture canceled the Church's month-long contract to hold gospel programs. Organizers managed to find another venue, however, and the meetings, which reportedly drew over 1000 people, resumed. An Adventist Pastor claimed that the authorities do not harass small meetings, but cause problems for large Christian functions.

Conclusion

Under Nursultan Nazarbaev, Kazakstan allows a diverse political opposition to exist, function and disseminate its views. But the government has sought to limit the opposition's forum to the press, keeping it away from television and, whenever possible, off the streets. While repression has largely featured fines and detentions, some journalists have been murdered in what the authorities called purely criminal cases, which they may well have been: crime has skyrocketed in Kazakstan. Still, the recent beating of Petr Svoik in Bishkek, safely outside Kazakstan's territory, may signal a turn towards harsher methods, as the presidential campaign of 2000 heats up. The same may apply to the media -- Svoik was one of the authors of the open letters to Nazarbaev.

Some opposition activists apparently hope to bring about a change of government relying on their own strength. One of the co-chairman of Azamat, Marat Auezov, has announced plans to run against Nazarbaev in 2000. Others see their only chance of limiting Nazarbaev's tenure as president in Kazhegeldin: an insider opponent with wealth, an international reputation and good connections among local authorities, who might see him as a counterbalance to an all-powerful Nazarbaev.

Describing Kazakstan's level of democratization, a human rights activist said people are free to say almost anything but they have no power to change or even influence much in Nazarbaev's Kazakstan. In this view, the relative autonomy of political activity and expression is a mere facade, masking an authoritarianism clever enough to avoid the opprobrium showered on Uzbekistan and Islam Karimov by international human rights organizations. If Nazarbaev faces a real challenge in 2000, he will have to show his hand more openly: to let the institutions he has permitted and sometimes created actually work, to manipulate them for his own ends, or to crack down much harder.

CONCLUSION

A study of democratization in Uzbekistan, Kyrgyzstan and Kazakstan indicates that the conventional wisdom on their respective rates of reform and openness since independence has merit:

Kyrgyzstan leads the pack, Kazakstan follows and Uzbekistan is far behind either of them. While presidential power in Kyrgyzstan, as in most former Soviet republics, dwarfs the other institutions of state and society, there are competing institutions (parliament and press) which openly criticize the executive, challenge and block some of his important legislative initiatives, and will seek -- with what success time will tell -- to limit Askar Akaev's tenure as president and establish the precedent of turnover at the top. Opposition political parties are represented in parliament, even though the political party system is weakly developed. There are many independent NGOs, including human rights monitoring groups, which function in relative freedom, testifying to the rise and influence of civil society. While the press has come under serious pressure, President Akaev has committed himself to removing slander from the criminal code, which, if implemented, should put government-media relations on a more normal basis and remove a blot on the country's human rights image.

In Kazakstan, President Nazarbaev has accumulated far more power than has Akaev while determinedly emasculating the other institutions of state. He has twice contrived to rid himself of an insufficiently pliant parliament, and ruled by decree for almost a year. The minimal presence in parliament today of opposition representatives neither constrains Nazarbaev's prerogatives nor mitigates the reality of overweening presidential power. So entrenched is his dominance that people fear the creation of a family dynasty. Nazarbaev has no sons, so should he successfully pursue this course, one of his daughters would inherit the mantle. The presidency of a woman in traditional, post-Soviet Central Asia would be unprecedented and mark a significant step forward for womens' rights -- but only if she came to power via free and fair elections. None has taken place yet. Opposition political parties, organizations and independent NGOs operate, but the rules of the game, apart from their own limited support, severely restrict their effectiveness and ability to influence policy. Kazakstan's press occasionally displays remarkable -- for the region -- openness, even criticizing Nazarbaev personally and his family members indirectly. For the most part, however, the media adhere to the relatively wide bounds of the permissible.

Uzbekistan's President Karimov apparently has a quite different view of the scope, necessity and timetable of democratization than his counterparts in Almaty/Akmola and Bishkek. Since 1993, there have been no registered opposition political parties, no registered independent human rights monitoring organizations, and no free press. Karimov, like Nazarbaev, has extended his presidency by a referendum and shows no inclination ever to leave office. Unlike Nazarbaev, Karimov has no obvious challenger, except possibly Shukhrullo Mirsaidov, the former vice president and current opposition activist, who has been systematically hounded and marginalized. Another possible challenger, Mohammad Solih, has been forced into exile. It is hard to imagine that either will be permitted to contest the 2000 presidential elections, if they take place. While harassment of human rights and political party activists has eased, it seems improbable that Erk or Birlik -- or any new, genuinely opposition party -- will be allowed to participate in the December 1999 parliamentary election. The government of Uzbekistan displays a communist-era mentality towards access to information and, in general, towards society's involvement in politics.

Why have Kyrgyzstan and Kazakstan turned out more liberal than Uzbekistan? Among the key factors influencing progress towards democratization are the authoritarian traditions of Imperial Russian rule, Soviet communism, and, antedating both of them, what is sometimes called -- especially by Russians -- the "Eastern," or "Asian mentality." But Uzbeks are no more or less "Asian" than Kyrgyz or Kazaks, yet obviously there are markedly different levels of freedom in these three Asian countries. Indeed, Mongolia has held several relatively free and fair elections. Moreover, the example of

Belarusian President Aleksandr Lukashenka demonstrates that presidential authoritarianism and repression do not exemplify exclusively Asian characteristics. When the differences among the three countries were pointed out, some people in Kyrgyzstan and Kazakstan simply said "of course." But it is not at all obvious why two Turkic, Muslim peoples incorporated into the Russian Empire and who then experienced seven decades of communist rule should today be more willing to allow a modicum of civil and political rights than a neighboring Turkic, Muslim state which has the same Russian/Soviet legacy.

Another consideration is the situation in neighboring and close countries, and its impact on the leadership's assessment of domestic stability. The war in Tajikistan unquestionably helped convince Islam Karimov that open opposition in Uzbekistan was too dangerous to be tolerated. Yet Kyrgyzstan also borders Tajikistan, and has not outlawed all dissidence, despite harboring over 40,000 refugees from that war.

A clearly important factor is the numerical representation of minorities and whether leaders fear the impact of opening the political system on inter-ethnic relations, especially since inter-ethnic conflicts marked the late Soviet period. Inter-ethnic tensions remain a fact of life in Central Asia, and their exacerbation might destabilize the country and/or make the country vulnerable to manipulation from abroad.[72]

By contrast, though, some theories postulate that the presence of many Russians in Kazakstan and Kyrgyzstan constrain the authoritarian inclinations of Presidents Nazarbaev and Akaev. Restricting the rights of free speech, association and assembly of large groups of the population, in conditions of economic decline and generalized discontent, could lead to serious inter-ethnic instability. In addition, both Almaty and Bishkek manage quite delicate relationships with Moscow, and ethnic instability could have unpleasant foreign policy consequences. True, Russian nationalists inside and outside the Duma have long accused the Yeltsin administration of doing little or nothing to protect the rights of the "Russian-speaking population" in other CIS countries and the Baltic States, Moreover, the total absence of human rights in Turkmenistan, where some 300,000 Russians still live, has not kept Moscow from developing political and economic relations with Ashgabat. But Russians constitute almost 40 percent of Kazakstan's population, and about 19 percent in Kyrgyzstan. The unwillingness of so many Russians to live in a society much less free than Russia must carry some weight. In Kazakstan, the perennial threat that Russian-populated oblasts could simply secede -- not necessarily with Moscow's connivance, and indeed, possibly to force Moscow to act on their behalf -- affects the calculus further. In addition, while democracy is a weakly developed aspect of Russia's traditional political culture, Uzbek opposition spokesmen acknowledge they benefited from Gorbachev's liberalism, and some even concede Russian culture is more open to democratic ideas than Central Asian political and religious traditions.[73]

Other theories focus on history, pointing out that Uzbeks have long been a settled, sedentary culture, with strong Islamic and conservative traditions,[74] whereas Kazaks and Kyrgyz were nomads, with less developed attachment to religion and a less conservative strain of Islam. But this view has been challenged by academics who argue that first, nomads are not really less religious than sedentary populations, and that Islam among Kazaks and Kyrgyz was not substantially different from Islam among Uzbeks.[75] Besides, the Turkmen were also traditionally nomads, which has not improved the human rights situation in that country. Finally, Uzbekistan in the late 1980s and until mid-1992 was not so terribly far behind Kazakstan and Kyrgyzstan. The opposition parties *Erk* and *Birlik* were able to function, if under constant pressure, and Karimov even allowed Mohammad Solih to run against him in

the December 1991 presidential election -- when the Soviet Union, and the liberalizing pressure of Moscow's perestroika were already fading away. There is evidently no predetermined Uzbek authoritarianism that substantially exceeds Kazakstani and Kyrgyz levels.

One Uzbek opposition leader suggested that Karimov has been more repressive than Akaev and Nazarbaev because the Uzbek opposition was more powerful than counterpart movements in Kyrgyzstan and Kazakstan, and presented a greater threat to authority. Not surprisingly, however, Kyrgyz opposition spokesmen, when asked why Kyrgyzstan is more liberal than its neighbor, argued that their movement was the most influential and could force authority to reckon with it. Either or neither may be true. But any argument based on claims of opposition strength in a particular country begs the question why an allegedly powerful democratic opposition movement could have arisen in a conservative region, traditionally respectful of authority.

Some defenders of Central Asian leaders maintain they are not free actors, i.e., their options are constrained by pressure from elites who may see the development of democracy as a threat to their political and/or economic power. Intra-elite relations and possibly struggles are often invisible to outsiders in what remain secretive political systems, and are difficult to analyze. Moreover, leaders have often used it to justify their own unwillingness to liberalize. Today, for example, some Uzbeks close to the government claim Karimov is not free to open up the political system as he would like. Yet there is little evidence Karimov could not order an independent human rights organization registered, even if he must accommodate on a regular basis Uzbekistan's regional clan leaders.

The presidents' perception of the threats to stability surely figures in their calculations, even if their primary concern is their own position, as opposed to domestic tranquillity and prosperity. Nazarbaev and Akaev may see greater dangers to themselves in cracking down than in allowing competing institutions to function, as long as their ability actually to influence policy is so limited. Karimov, on the other hand, may be less secure about stability in Uzbekistan and may fear even the slightest loosening of the reins. To the outside observer, considering his apparently tight grip on power and how quiet Uzbekistan has been since the events in Namangan in November 1991 and student uprisings in Tashkent in January 1992, such fears seem excessive. It is puzzling that Karimov does not permit even the sort of democracy so well practiced in Kazakstan.

Some analysts suggest that the continuity of Soviet institutions is greater in Uzbekistan, which was the regional hub and center of Soviet control in Central Asia. There has been less structural transformation in Uzbekistan than in Kazakstan, where new elites came to power with independence, or in Kyrgyzstan, where newly-elected Askar Akaev did not belong to the Communist Party leadership. The relative absence of change of ruling elites and institutions might help explain the perpetuation of a Soviet-era mentality and related practices in Uzbekistan.

Ultimately, though there may be many underlying considerations -- history, national composition, political culture, institutional factors, external pressures, etc. -- in such personality-driven political systems, the key may be a leader's character and the sincerity of his commitment to move towards democracy. Askar Akaev's reputation has suffered since 1994, but his image problems today also reflect the high hopes he once inspired by his actions and his academic background, as opposed to a Communist Party curriculum vita. Islam Karimov, by contrast, has provided little credible evidence of seriousness about democracy, and Nursultan Nazarbaev's concept and practice of democracy may be described as expedient in the extreme.

Deciding what makes one nation different from another is a job for philosophers, nationalist idealogues or comedians. For policymakers committed to human rights, it should be sufficient to observe that however unwelcoming past traditions and current realities may be to new democratic ideas, some former Soviet republics are making a greater effort than others to implement their OSCE commitments, whether out of sincere conviction, under duress, or for purposes of show. The differences among them, while sometimes lamentable, also mean none is doomed to a low-level of human right observance. There is no reason, based on developments to date, that Kyrgyzstan cannot further improve its human rights record or why Uzbekistan cannot attain current Kyrgyz or Kazak levels. Obviously, Central Asian leaders make decisions in a region far from Western Europe, close to China, Iran and Afghanistan, and well aware of the increasingly popular refrain in some quarters that "human rights are only for the West." If Washington does not want the new independent states to succumb to this siren song, continuous pressure will be needed, even as the United States pursues other interests. American suasion may not be sufficient to swing the tide, but surely no other government can or will pick up the slack.

[1] In the former USSR, only in Ukraine and Moldova have sitting presidents lost an election and their seats.

[2] Tajikistan and Turkmenistan will not be discussed in this report. After five years of hostilities, Tajikistan's government signed a peace treaty with opposition groups in June 1997. The accord envisions parliamentary elections in 1998, with the participation of political parties that had been banned by the regime, and is a signal achievement, even though much could yet go wrong. In any case, with a new day possibly dawning in Tajikistan, it seems inappropriate at this point to focus on the obvious human rights shortcomings of a country that has gone through a five-year war, and whose government does not yet even control all of its territory.

The human rights situation in Turkmenistan, for its part, has not improved. In fact, at the November 1997 OSCE Implementation Review Meeting in Warsaw, when the U.S. Delegation condemned Turkmenistan's imprisonment of political dissidents in psychiatric institutions, the Turkmen delegation responded that the United States also consigns political dissidents to mental hospitals, in even higher numbers [!].

[3] As an illustration, in July 1997, an opinion poll in Uzbekistan conducted by the International Foundation for Electoral Systems revealed that 80 percent approved of Uzbek independence, although 63 percent said living standards had declined since 1991. Forty-nine percent said open criticism of the government should not be allowed, while 43 percent disagreed, and 48 percent thought that human rights had improved.

[4] Radio Free Europe/Radio Liberty reported on November 3, 1997, that a study by the European Bank for Reconstruction and Development (EBRD) concluded that corruption in the Commonwealth of Independent States (CIS) is higher than in any other region of the world. Public officials were found to be most corrupt in Azerbaijan, Kazakstan, Russia, Ukraine and Uzbekistan.

[5] William Fierman, "Political Development in Uzbekistan: Democratization?" in Karen Dawisha and Bruce Parrott, eds., *Conflict, Cleavage and Change in Central Asia and the Caucasus*, Cambridge University Press, 1997, pp. 390-392. Also, U.S. Department of State, *Country Reports on Human Rights Practices*, Uzbekistan, 1996.

[6] Kidnaped by Uzbek security agents from a human rights conference in Kyrgyzstan in 1992 and forcibly returned to Tashkent, Polatov left Uzbekistan after an international outcry forced the government to release him.

[7] See Commission on Security and Cooperation in Europe, *Government-Opposition Relations in Uzbekistan,* March 1997, and Polatov's account of these events in "Uzbekistan: What Changes?" *Uncaptive Minds*, Winter, 1996-1997.

[8] For the record, HRSU spokesmen also rejected official explanations for the refusal to register the Society, arguing that the documentation was in order.

[9] Zakir was arrested in 1993, when the police claimed to have found a grenade in his home.

[10] Foreign Broadcast Information Service (henceforth FBIS), Daily Report, November 22, 1996.

[11] Human Rights Watch/Helsinki, *Uzbekistan -- Violations of Media Freedom: Journalism and Censorship in Uzbekistan*, July 1997.

[12] Islam Karimov, *Uzbekistan on the Threshold of the Twenty-First Century: Threats to Security , Conditions of Stability and Guarantees for Progress,* Tashkent, 1997, p. 61. Karimov adds that Uzbeks are 24.4 percent of Tajikistan's population, 13.8 percent in Kyrgyzstan, 9 percent in Turkmenistan and 2.5 percent in Kazakstan.

[13] *Narodnoe Slovo*, October 9, 1996.

[14] Akmal Saidov, Yakov Umansky, *The Factor of Polyethnicity in Uzbekistan: Security Challenges, Human Rights and Development Potential*, Tashkent, 1998, pp. 25, 9.

[15] *Literaturnaya Gazeta*, March 5, 1997.

[16] FBIS-SOV, Daily Report, March 28, 1997.

[17] Saidov and Umansky, p. 49.

[18] Ibid., pp. 49-50.

[19] President Karimov has blasted the Russian media for allegedly slandering Uzbekistan, attributing negative reportage to neo-imperialist tendencies in Moscow. But Uzbek media have also attacked Western organizations for trying to impose alien, Western criteria and using "humiliation" against anyone unwilling to accept those standards. FBIS-SOV, Daily Report, August 4, 1997.

[20] Karimov, p. 35.

[21] The Washington, D.C.-based Union of Councils for Soviet Jews describes antisemitic incidents, but writes that the government of Uzbekistan "has generally been tolerant of its large [35,000] Jewish community." *Antisemitism in the Former Soviet Union: Report 1995 - 1997*.

[22] Karimov, p. 39.

[23] Fierman, p. 382. See also Project on the Fergana Valley, Center for Preventive Action, Council on Foreign Relations, forthcoming.

[24] Amnesty International, *AI Concerns in Europe*, *January-June 1997*, September 1997.

[25] Human Rights Watch/Helsinki, *Uzbekistan: Persistent Human Rights Violations and Prospects for Improvement*, May 1996.

[26] Steve LeVine, "Uzbek Leader Dampens Signs of Islamic Fervor," *New York Times*, January 28, 1998.

[27] FBIS-SOV, Daily Report, January 29, 1998.

[28] The Uzbek government has been very concerned about the victories of the radical Taliban in Afghanistan, and has backed General Dostum and other forces against them.

[29] Karimov, p. 37.

[30] Letter in possession of the Helsinki Commission, Rep. Bob Clement, and the U.S. Department of State.

[31] Karimov, pp. 150-151.

[32] Karimov, p. 22.

[33] From 1989 to 1993, over 200,000 Slavs left Kyrgyzstan. See Eugene Huskey, "Kyrgyzstan: the Fate of Political Liberalization," in Dawisha and Parrott, p. 255.

[34] Akaev appoints the governors of all six regions; only the mayor of Bishkek is elected. Bishkek is heavily Russian, as was the man elected in 1995, Boris Silaev, with Akaev's backing.

[35] See Natalya Oblova, (Director, Bureau on Human Rights and Rule of Law, Bishkek), "Prava cheloveka v kyrgyzstane" [Human Rights in Kyrgyzstan], *Tsentral'naya Aziya*, No. 5 (11).

[36] Huskey, p. 259.

[37] U.S. State Department, Country Reports on Human Rights Practices, 1997, Kyrgyzstan.

[38] For the record, one deputy denied to Helsinki Commission staff that there is any real separation of powers in Kyrgyzstan, pointing to the parliament's loss of the right to confirm ministerial appointments and judges after the 1995 referendum. Another legislator charged that U.S. aid programs are helping maintain a totalitarian regime, where "the same old communists are in power."

[39] One NGO that has encountered problems with the authorities is the Soros Foundation, run by former Minister of Education Chinara Jakypova. According to a widespread view in Bishkek, the difficulties arise from a sense of rivalry between Ms. Jakypova and President Akaev's wife, who runs a foundation of her own.

[40] For the first time in two years, Kyrgyzstan has fully paid up its $11 million debt to Uzbekistan for natural gas. *Vechernii Osh* (September 27, 1997) observed, in a hopeful turn of phrase, "now there's an assurance that Uzbekistan will not turn off the gas to Kyrgyzstan."

[41] The university official noted wryly, however, that there are no inter-ethnic tensions among the various groups running drugs through Osh from Tajikistan to the rest of the former USSR and onward to Europe and the United States.

[42] *Soglasie,* August 23, 1997.

[43] When he spoke at the Carnegie Endowment for International Peace in Washington in July 1997, he said he expected to get questions about Kyrgyzstan's human rights record.

[44] *Nasha Gazeta*, September 2, 1997, as reported by the Bureau on Human Rights and Rule of Law.

[45] "Persecution of Journalists -- a Bow to Fashion?" September 26-October 3, 1997. The Bishkek-based *Delo No.* had already written about corruption among policemen in Osh, but the publication by an Osh paper was apparently a sensation.

[46] U.S. Department of State, *Country Reports on Human Rights Practices*, Kyrgyzstan, 1997. Helsinki Commission staff was not able to interview representatives of Protestant organizations in Kyrgyzstan.

[47] The newspaper commented: "In essence, high-ranking officials have given their official blessing to an irreconcilable war against their co-religionists who dare to think differently, a war the consequences of which are difficult to guess -- they could be, God preserve us, dangerous for the fortunes of the country, if polemics exceed the limits of a civilized dialogue."

[48] FBIS-SOV, Daily Report, January 30, 1998.

[49] U.S. Department of State, *Country Reports on Human Rights Practices*, Kazakstan, 1997. Other sources supply different figures. For example, according to *Nezavisimaya Gazeta* (July 10, 1997), Kazaks were 48.1 percent, Russians 34.1 percent. In May 1997, the government announced that Kazaks were 51 percent of the population, a figure not accepted by most other observers.

[50] Martha Brill Olcott, "The Growth of Political Participation in Kazakstan," in Dawisha and Parrott, p. 202.

[51] Yes, I Served the KGB," *Karavan*, September 5, 1997.

[52] Even officials could not hide their lack of enthusiasm for the move to Akmola, which features freezing winters and sweltering summers. It was evident that many were hoping against hope some miracle would spare them.

[53] According to yet another view, Nazarbaev chose to locate the capital on territory of the Middle Horde, which has received few other perks from a Great Horde president. See Prism, Vol. IV, No.3, Part 3.

[54] According to a poll conducted by the Giller Institute in six regions of Kazakstan, 63.7 percent of respondents opposed moving the capital from Almaty to Akmola; 21.1 percent were in favor. Interfax-Kazakstan, July 27, 1997.

[55] RFE/RL Newsline, November 5, 1997.

[56] Ibid., January 12, 1998.

[57] Reuters, November 12, 1997.

[58] The Kazakstan International Bureau for Human Rights and Rule of Law reported that in March 1997, the authorities opened 17 criminal cases against activists and members of unregistered associations.

[59] As reported by the Kazakstan International Bureau for Human Rights and the Rule of Law.

[60] President Eduard Shevardnadze, for example, has often acknowledged police mistreatment of detainees in Georgia. Reuters reported on December 10, 1997, about charges by the Moscow Helsinki Group that torture is still routinely used in Russia to extract confessions.

[61] Amnesty International, *AI Concerns in Europe: January-June 1997*, September 1997.

[62] U.S. State Department, *Country Reports on Human Rights Practices*, Kazakstan, 1996.

[63] Jamestown Monitor, January 8, 1998.

[64] FBIS-SOV, Daily Report, January 22, 1998.

[65] *Nezavisimaya Gazeta*, July 10, 1997. Over 570,000 Germans have also left, many to Germany. The figure for all emigrants dropped to over 175,500 in 1996.

[66] Ibid. The figures and assessments in this *Nezavisimaya Gazeta* article should be treated with caution, as

one of the authors is Konstantin Zatulin, former deputy in the Russian Duma, where he chaired the Committee on Relations with CIS Countries, and aggressive defender of Russian interests in the former USSR. Currently the Director of the Institute for Diaspora and Integration, he was widely rumored to be a co-author of an anonymous memo published in *Nezavisimaya Gazeta* (March 1998) which urged the use of subversion and the instigation of instability in former Soviet republics by stoking ethnic tensions to regain Russia's dominant positions and keep Western influence out.

[67] Suprunyuk has since been released and is now in Russia.

[68] As reported by the Kazak International Bureau for Human Rights.

[69] Internews Kazakstan, *Update on Status of Private Broadcasting in Kazakstan*, September 15, 1997.

[70] Ibid.

[71] U.S. State Department, Country Reports on Human Rights Practices, 1997, Kazakstan.

[72] According to Saidov and Umansky (p. 50), survey results show 76 percent of people in Uzbekistan believe that "strong presidential power" is essential to maintain good inter-ethnic relations.

[73] Asked why Kyrgyzstan had turned out more liberal than Uzbekistan, one Kyrgyz deputy said "our genes are different -- we were nomads, and we took the best from the Slavic people."

[74] "Uzbekistan lacks a single pre-Soviet political tradition, let alone a democratic one. Until after the Bolshevik revolution, both Bukhara and Khiva [emirates, whose territory became part of the Uzbek SSR] were controlled by autocratic rulers backed by conservative religious establishments." Fierman, p. 362.

[75] Devin DeWeese, *Islamization and Native Religion in the Golden Horde*, Penn State University Press, 1994, and Nazif Shahrani, "Local Knowledge of Islam and Social Discourse in Afghanistan and Turkistan," in Robert Canfield, ed., *Turko-Persia in Historical Perspective*, Cambridge University Press, 1991.